



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

S
69
A34
V.21
no.1



4
S
69
.A34
Y.21
no.1

BULLETIN

OF THE

Apr 22-

Department of Agriculture

Laws of Maine Relating to Agriculture

Issued quarterly from the Office of the Commissioner of
Agriculture, Augusta, Maine
F. P. WASHBURN, Commissioner.

Entered April 6, 1903, at Augusta, Maine, as second-class
matter, under Act of Congress of June 6, 1900

Exchange Duplicate, L. C.

Digitized by Google

LIBRARY OF CONGRESS

RECEIVED

APR 3 1922

DOCUMENTS DIVISION

Maine Department of Agriculture

QUARTERLY BULLETIN

VOL. XXI

MARCH, 1922

No. I

LAWS OF MAINE RELATING TO AGRICULTURE

AGRICULTURAL DEPARTMENT.

CHAPTER 34, REVISED STATUTES.

Sec. 1. *State department of agriculture; election of commissioner; creation of office of deputy commissioner; filling of vacancy.* A state department of agriculture shall be maintained for the improvement of agriculture and the advancement of the interests of husbandry. A commissioner of agriculture shall be elected by the legislature by joint ballot of the senators and representatives in convention, and shall hold his office for the term of four years and until his successor is elected and qualified. He shall give bond in the sum of ten thousand dollars to the state, with sufficient sureties, or with a surety company authorized to do business in the state, as surety, to be approved by the treasurer of state, conditioned to faithfully account for all moneys received and disbursed by him as said commissioner. The commissioner of agriculture may, with the approval of the governor and council, appoint a deputy commissioner of agriculture, who shall be the chief of one of the department bureaus in the department of agriculture, and shall perform the duties of the commissioner of agriculture during his absence, in addition to his duties as chief of a department bureau. The deputy commissioner shall hold office during the term of office of the commissioner or until his successor is appointed, and his compensation and expenses shall be paid from any funds appropriated for the use of the department bureau of which he is chief. When the office of commissioner of agriculture shall

become vacant by reason of the death, resignation, removal or inability to serve of the regularly elected incumbent of the office, the governor shall appoint a commissioner of agriculture to serve until the election of his successor, as provided by law, and his qualification.

Sec. 2. *Duties; appropriation; power to investigate condition of farm products.* The commissioner of agriculture shall by personal observation, investigation and correspondence, acquaint himself with the methods and wants of practical husbandry, the means of fertilization, and the adaption of various products to the soils and climate of the state; also with the progress of scientific and practical agriculture elsewhere, with a view to the more complete development of the natural resources of the state; he shall gather statistics of information concerning agriculture and publish the same annually; he shall assist the farmers of the state, in so far as is practicable, to secure farm help, and to promote increased production of farm crops through the selection, the growing and the dissemination of superior strains of seeds. He may investigate and furnish statements to shippers and other interested parties as to the quality and condition of fruits, vegetables, dairy and other perishable farm products when received within the state for the intrastate or interstate commerce, under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered. Provided, that statements so issued by the authorized agents of the department shall be received in all courts of the State of Maine as prima facie evidence of the truth of the statements therein contained. An appropriation of three thousand dollars annually shall be made, to be expended by the commissioner of agriculture for the purpose of carrying out the provisions of this section and of section six of this chapter, and for such other purposes and in such manner as in his judgment will best promote the interests of agriculture in this state.

Sec. 3. *Shall hold institutes; character of their work.* He shall hold or cause to be held two farmers' institutes in each county annually and as many more as the appropriation therefor will allow. The work of said institutes shall be devoted to the presentation and discussion of questions bearing upon agri-

culture and the agricultural interests of the state; and for this purpose said commissioner may employ speakers who are qualified and versed in the subjects assigned them. He may also appoint and employ assistants, experts, lecturers, a stenographer and other aids needed in conducting such institute work, and shall fix the compensation of such employees. He may hold such institutes independently or in connection with other organizations devoted to agricultural interests and as far as possible and for the best agricultural interests of the state, aid and encourage agricultural societies and associations in the state, and shall collect and preserve in his office for public inspection all valuable data relating to the practical work of such societies and associations.

Sec. 4. *Shall hold a state dairymen's conference.* He shall, in connection with, and with the aid of the Maine Dairymen's Association, annually hold a state dairymen's conference for the exhibit of dairy products and appliances, wherein prizes for high merit and quality in butter and cheese may be offered, and may employ experts and lecturers to enhance dairy interests, but the expenses of the same shall not exceed the sum of seven hundred dollars annually.

Sec. 5. *Appropriation.* An appropriation of three thousand dollars annually shall be made for said institute work and for all other purposes set out in the two preceding sections.

Sec. 6. *Shall assist in promoting horticultural and dairy work.* The commissioner of agriculture shall aid and assist societies and associations organized and established for the advancement of pomology, horticulture and dairy work, also societies devoted to the interests of the pure breeding of stock of all kinds.

Sec. 7. *Shall apportion the state stipend due societies.* He shall apportion annually the stipend due from the state to the said agricultural societies, including the State Pomological Society; he shall issue blanks to the proper officers of said societies for such returns as may be deemed necessary for a full and complete knowledge of the work of said societies for each year, and shall certify to the governor and council the amount of bounty due such society, and shall designate to the treasurer of state to whom such moneys shall be paid, but said

societies shall not be entitled to such bounty, unless they shall make such returns.

Sec. 8. *Authority to summon officers and examine books and records.* He may summon before him and examine on oath any officer of an incorporated agricultural society or other person whose testimony he shall deem necessary in the proper discharge of his duties, and may require such witnesses to bring before him for examination, any books or records in their custody or control which he may deem necessary for his information in the performance of his duties.

Sec. 9. *Annual report.* He shall annually make a report to the governor and council, on or before the first day of January of each year, of the work of the department of agriculture in detail, combining in the same a report of the State Pomological Society and Maine Dairymen's Association, and all other matters relating to the promotion of agriculture; and for the purpose of said report, said society and association shall furnish said commissioner with all necessary data therefor on or before the first day of December of each year. He shall further report all farmers' institutes held and the work therein done, and all public lectures carried on under his authority, and such part of said reports as is of public interest shall be printed for free distribution; for the purpose of making up his report as herein provided, said commissioner shall attend the various agricultural exhibitions in the state and report upon the quality and character of the work of the same.

Sec. 10. *Annual account of all expenditures.* He shall render on the first day of January of each year a detailed and itemized account of all expenses of his office, of all institutes held and of all moneys paid out for employees under the provisions hereof, also all sums of money paid for prizes on exhibits and for all other purposes; and for this purpose he shall keep necessary books in which an account of all moneys received and expended shall be entered, which books shall be open to public inspection.

COUNTY AND LOCAL AGRICULTURAL SOCIETIES.

Sec. 17. *County and local societies, or treasurers, may hold and manage property; bonds of treasurers.* County and local agricultural societies may take and hold property, real and per-

sonal, the annual income of which shall not exceed three thousand dollars, to be applied to the purposes provided in their charters; or their treasurers may receive conveyances or leases of such property, for their societies, and hold, sell, mortgage or pledge it, and shall give bonds to the trustees for the safe-keeping thereof and the faithful discharge of their duties.

Sec. 18. *State aid to agricultural societies; apportionment.* There shall be appropriated annually from the state treasury a sum of money not exceeding two cents to each inhabitant of the state, which shall be divided among the legally incorporated agricultural societies of the state not provided for by special enactment, according to the amount of premiums and gratuities actually paid in full by said societies; provided, that the stipend shall be based entirely upon the premiums and gratuities actually paid in full on exhibition stocks and products; provided, further, that no society shall receive from the state a sum greater than that actually raised and paid by the society for said purposes; provided, also, that each of the said societies, and all agricultural societies receiving aid from the state by special act of the legislature, shall cause the prohibitory liquor law to be enforced on all grounds over which they have control, and not allow immoral shows, gambling in any form or games of chance on said grounds.

Sec. 19. *Payments withheld until certain certificates and specifications are filed; investigation of complaints.* No payment of any state aid, whether made under the provisions of the preceding section or by special appropriation, shall be made to any society until the treasurer thereof files with the treasurer of state a certificate on oath, stating the amount raised by it and containing the specifications required in section twenty-three; and also a certificate from the commissioner of agriculture that he has examined into the claim of said society; that in his opinion it has complied with the provisions of sections twenty-three and twenty-four and with the following section; that there has been awarded and paid by said society as premiums and gratuities a sum at least equal to the amount apportioned to said society, and that the provisions in regard to immoral shows, gambling and the sale of intoxicating liquors have been strictly complied with. In case of any complaint in writing, signed by the complainant, of the violation of any of the pro-

visions of this chapter relating to the payment of state aid in any form to agricultural societies, the commissioner of agriculture may investigate such alleged violation, and employ such agents and counsel as may be necessary, to aid him in such investigation, and the expense incurred shall be paid out of the general appropriation for aid of agricultural societies; provided, that when it is found upon such investigation that the society, against which complaint has been made, has violated the provisions of this chapter, the expense of such investigation shall be paid from the amount that would otherwise have been paid to said society; provided, further, that if the society against which the complaint is made receives its aid by special enactment, then the expense of the investigation shall be paid from the said appropriation for such society.

Sec. 20. *Society offering premiums on grade males not entitled to state aid.* No state stipend shall be paid to any agricultural society offering or paying premiums on grade males; the commissioner of agriculture may make this a part of the sworn return to be made by the proper officers of all agricultural societies; provided that evidence as to eligibility to registration be accepted as satisfactory proof of purity of blood.

Sec. 21. *State aid conditional on use of score-card system.* The payment of the annual appropriations to the state fairs and the payment of the state stipend to all other agricultural societies receiving a three-hundred-dollar stipend or more shall be conditional upon the use of the score-card system in the judging of dairy products. A copy of each score-card as filled by the judge shall be delivered to the exhibitor of each exhibit.

Sec. 22. *Expenditure of bounty.* Every society receiving the bounty of the state, shall expend an annual amount each year in premiums and gratuities for the improvement and encouragement of agriculture, horticulture or the mechanic arts, unless the commissioner of agriculture directs for what purposes a sum not exceeding half of such bounty shall be expended; and then it shall be expended accordingly.

Sec. 23. *Statements required from competitors.* Every society applying for the bounty of the state shall require of all competitors for premiums either on animals, crops, dairy products or improvements of soils or manures, a full and accurate statement of the process or method of rearing, managing, pro-

ducing and accomplishing the same, together with its cost and value, with a view of showing the profits or benefits derived or expected therefrom; and the application for bounty shall embrace all the specifications included in the following form, to wit:

"I, A. B., treasurer of the ——— society, hereby apply for bounty in aid of said society, as granted by law, and being sworn, or affirmed, say that \$——— has been raised and paid in good faith into the treasury of said society, and that \$——— has been actually paid in full in premiums, in conformity with law."

Sec. 24. *Secretaries to report annually to commissioner of agriculture.* The secretaries of the several societies shall prepare an annual report, embracing a concise statement of the financial condition and doings of the society, with a synopsis of the premiums awarded to be made by filling blanks furnished by the commissioner of agriculture. Said report shall also state the leading features of the annual exhibition, the character of the efforts of the society for the advancement of agriculture, the principal crops raised in the county or district, the success attending their culture as compared with former years, and the obstacles met with; and generally the condition, prospects and wants of agriculture; which report, with a list of the officers of the society and the post-office address of each, renewed at each new election, and all statements made by successful competitors for premiums, and any reports of committees, essays, addresses or other papers presented to the society containing matters of general interest, shall be returned to the commissioner by the first Wednesday of each December. Upon receipt and after examination of said returns, if the commissioner finds them full, faithful and accurate, according to the intent hereof, he shall issue the certificate mentioned in section nineteen, and not otherwise.

Sec. 25. *Societies may fix bounds for exhibitions.* All incorporated agricultural societies may, by their officers, define and fix bounds of sufficient extent for the erection of their cattle-pens and yards, and for convenient passageways to and about the same, on the days of their cattle shows and exhibitions, and for their plowing matches and trial of working teams, within which no person shall enter or pass, unless in conformity with

the regulations of the officers thereof; and said societies shall furnish suitable space for the exhibition of farm implements and machinery at a reasonable rental; but they shall not so occupy or include the lands of any person without his consent, or obstruct the public travel of any highway.

Sec. 26. *Penalty for violation of regulations.* Whoever, contrary to such regulations, enters or passes within the bounds so fixed, after notice of such regulations, when such grounds are not fenced (no notice being necessary when such grounds are fenced), shall be subject to a fine of not exceeding five dollars or to imprisonment not exceeding ten days.

Sec. 27. *Penalty for defrauding agricultural or horticultural societies.* Whoever shall gain admission to the grounds or buildings of any agricultural or horticultural society during the holding of an exhibition, otherwise than by the regular entrance provided, for the purpose of defrauding such society out of the regular entrance fee to such grounds or buildings; or who by fraud, misrepresentation or otherwise unlawfully obtains such admission; and any person obtaining any premium or gratuity offered by such society by fraud or misrepresentation, shall be deemed guilty of larceny from such society, and on conviction shall be punished accordingly.

Sec. 28. *Persons may be appointed to keep order, with powers of constables.* The officers of any such society may appoint a sufficient number of suitable persons, to act as constables at cattle shows and exhibitions, with all the powers of constables, for the preservation of the public peace, and the enforcement of the regulations of said society, within the towns where such shows and exhibitions are held, from noon of the day preceding the commencement of the same until noon of the day succeeding the termination thereof, and no longer.

Sec. 29. *Sale of merchandise and refreshments, and exhibitions, near grounds, restricted.* Whoever sells any refreshments, or other merchandise, or exhibits any show or play, within a quarter of a mile of the fair grounds of any agricultural society, during the time of any exhibition thereof, unless in his own dwelling-house, or usual and ordinary place of business or lets any land or building adjoining, or overlooking the fair grounds of such society, to spectators of any exhibition thereof, during the time of such exhibition, without the written

consent of its trustees, forfeits to such society not exceeding one hundred dollars, to be recovered on complaint of two of its trustees.

Sec. 30. *Powers and privileges of Eastern Maine State Fair.* The corporation known as Eastern Maine State Fair shall have all of the police powers, together with all other powers and privileges, at all of its exhibitions of whatever name or nature, which are conferred upon agricultural societies by sections twenty-five, twenty-six and twenty-eight and the provisions, restrictions, forfeitures and penalties provided by section twenty-seven and by the preceding section shall be applicable to all exhibitions of such corporation.

Sec. 31. *Competitors for premiums holden to pay entry fee; lien on animals, to secure payment.* Whoever makes entries of animals or articles as competitors for premiums or purses offered by any agricultural society, or by any person or association in the state, shall be holden to pay the entry fee in accordance with the advertised rules and regulations of any such society, person or association, not in conflict with the laws of the state; and a lien is hereby created upon such animals and articles for such entry fee to secure payment thereof with costs, to be enforced by an action of debt against the person owning such animals or articles, or the person entering the same; or the same may be enforced in the same manner as liens on goods in possession and choses in action, but such lien shall not affect the title of any innocent purchaser of said animals or articles without actual notice of such lien.

Sec. 32. *Conduct of exhibitions.* Agricultural societies, persons and associations, holding public exhibitions for competition for premiums or purses are authorized to conduct and manage the same in accordance with the advertised rules and regulations, not in conflict with the laws of the state.

CHAPTER 64, PUBLIC LAWS OF 1919.

An Act to authorize the Commissioner of Agriculture to group the various Bureaus and lines of work in the Department of Agriculture into divisions.

The commissioner of agriculture is hereby authorized to group the various bureaus and lines of work in the department

ter one hundred fifty-five of the resolves of nineteen hundred and five and so much of chapter one hundred and sixty of the resolves of eighteen hundred and eighty-nine as pertains to the Maine State Agricultural Society are hereby repealed.

CHAPTER 205, RESOLVES OF 1911.

Whereas, the Central Maine Fair Association has, by vote at a meeting duly called and held, transferred all of its interests, rights and privileges and property of every name and nature to the Central Maine Fair Company of Waterville, Maine, and whereas the said company proposes to conduct an annual fair hereafter on the fair ground in said Waterville, as heretofore conducted and carried on by the said association and that the said association does not propose to conduct any fair in the future, it is hereby resolved that the sum of two thousand five hundred dollars be and is hereby appropriated annually for the Central Maine Fair Company, provided that the above named company shall annually appropriate an equal amount to be paid in premiums for stock, dairy and agricultural products. Said company may draw said appropriation upon its vouchers that such amount has been paid out for strictly stock, dairy and agricultural purposes. Chapter three hundred forty-three of the resolves of nineteen hundred and nine is hereby repealed.

CHAPTER 4, REVISED STATUTES.

Registration and Licensing of Dogs.

Sec. 101. *Assessors shall make lists of all dogs; return to treasurer of state; penalty for failure to make return.* Assessors of taxes shall include in their inventories lists of all dogs owned by or in the possession of any inhabitant on the first day of April, setting the number and sex thereof opposite the names of their respective owners or persons in whose possession the same are found, and make a return to the treasurer of state of said lists and also of the number of dogs killed as required by section one hundred and six of this chapter on or before the fifteenth day of June following; and if any city or town fail to return to the treasurer of state on or before September first of each year, a sum of money equal to the license required by this

chapter, on all dogs living on the first day of June preceding, such deficiency shall be collected in the same manner as the state tax of such delinquent city or town for the following year.

Sec. 102. *Dogs shall be annually registered, numbered and licensed; license fee; kennel license; fee for kennel license.* Every owner or keeper, on the first day of April, of a dog more than four months old, shall annually before the tenth day of said April, cause it to be registered, numbered, described and licensed for one year commencing with the first day of April aforesaid, in the office of the clerk of the city or town where said dog is kept, and shall keep around its neck a collar distinctly marked with the owner's name and its registered number, and shall pay to said clerk for a license the sum of one dollar and fifteen cents for each male dog and for each female dog incapable of producing young so kept, and five dollars and fifteen cents for each female dog capable of producing young.

Any person becoming the owner or keeper of a dog after the first day of April, not duly licensed as herein required, shall within ten days after he becomes the owner or keeper of said dog, cause said dog to be described and licensed as provided above.

Every owner or keeper of dogs, kept for breeding purposes, may receive annually a special kennel license authorizing him to keep said dogs for said purpose, provided he keep said dogs within a proper inclosure. When the number of dogs so kept does not exceed ten, the fee for such license shall be ten dollars and fifteen cents; when the number of dogs so kept exceeds ten, the fee for such license shall be twenty dollars and fifteen cents and no fees shall be required for the dogs of such owner or keeper under the age of six months. Dogs covered by kennel license shall be exempted from the provisions of this section requiring registration, numbering, and collaring.

Sec. 103. *Duty of clerks.* The clerks of cities and towns shall issue said license and receive the money therefor, and pay the same to the treasurer of their respective cities or towns within thirty days thereafter, retaining to their own use the sum of fifteen cents for each license so issued; and the said treasurer shall pay the money so received to the treasurer of state on or before September first of each year who shall credit the same to a fund called "Dog Licenses." Such clerks shall keep

a record of all licenses issued by them, with the names of the owners or keepers of dogs licensed, and the sex, registered numbers and description of all such dogs; provided, however, that the sex, registered number and description shall not be required of dogs covered by a kennel license.

Sec. 104. *Treasurers shall keep account.* The treasurer of each city or town shall keep an accurate and separate account of all moneys received and expended by him under the provisions of the preceding section.

Sec. 105. *Penalty for keeping unlicensed dog.* Whoever keeps a dog contrary to the provisions of this chapter shall forfeit ten dollars, five of which shall be paid to the complainant and five to the treasurer of the town in which the dog is kept, and in addition thereto shall pay the cost of prosecution.

Sec. 106. *Warrants to be issued to officers to kill all unlicensed dogs.* The mayor of each city and the municipal officers of each town or plantation shall annually within ten days from the first day of May issue a warrant, returnable on the first day of June following, to one or more police officers or constables, directing them to proceed forthwith either to kill or cause to be killed all dogs within said city, town or plantation not licensed, collared or enclosed according to the provisions of this chapter, and said constable or police officer shall or any other person may enter complaint against the owner or keeper thereof. On the first day of June, the mayors of cities and the municipal officers of towns and plantations shall issue to one or more police officers or constables a warrant returnable on the first Monday of the following February, directing said police officers or constables to kill or cause to be killed forthwith any dog not licensed or collared according to the provisions of this chapter and to enter complaint against the owner or keeper thereof.

Sec. 107. *Return of warrant and what it shall contain.* Each police officer or constable to whom the warrants named in the preceding section are issued, shall return the same at the times specified and shall state in his return on each warrant the number of dogs killed, the names of the owners and keepers thereof, and whether all unlicensed dogs within his precinct, have been killed, and the names of persons against whom complaints have been made under the provisions of said section.

Such officers shall receive from the city, town or plantation the sum of two dollars for each dog killed, and for such other services rendered under the provisions of this chapter, they shall receive such compensation as the municipal officers may determine.

Sec. 108. *Secretary of state to forward copies of law; posting.* The secretary of state shall seasonably forward to the clerks of the several cities, towns and plantations, copies of the seven preceding sections, and each clerk shall annually, at least twenty days before the first day of April, post said copies in the usual places of posting notices of the annual municipal or town elections.

Sec. 109. *Liability for damages by dogs.* When a dog does damage to a person or his property, his owner or keeper, and also the parent, guardian, master, or mistress of any minor who owns such dog, forfeits to the person injured the amount of the damage done, provided the said damage was not occasioned through the fault of the person injured; to be recovered by an action of trespass.

Sec. 110. *Payment of damages done by dogs and wild animals; determination of damages; recovery from owner; penalty for keeping dog that kills sheep.* Whenever any sheep, lambs, or other domestic animals, poultry not included, owned by a resident of this state are killed or injured by dogs or wild animals, such owner may make complaint thereof to the mayor of the city, or to one of the municipal officers of the town or plantation where such damage was done, within seven days after he has knowledge of the same, and thereupon the municipal officers shall investigate the complaint, and if satisfied that the said damage was committed by dogs or wild animals within the limits of their city, town or plantation, they shall estimate the damage thereof according to the full value for which they are kept, whether as breeders or for other purposes, and direct that the same with fifty per cent additional shall be paid from the town treasury. If the municipal officers and the owner of the sheep or domestic animals are unable to agree as to the amount of the damage which shall be paid, the amount shall be determined by three referees to be selected in manner following: One referee to be chosen by the municipal officers, one by the owner of the animals injured or killed, and the third by the two referees

already selected. In case one party refuses or neglects to select a referee, the other party, after thirty days from the time the notice of the aforesaid damage was given or received, shall select two referees, and the two selected shall choose the third. The said referees shall submit a written report, signed by a majority, within fifteen days from the date of their appointment, stating the amount to be paid by the town. The report of said referees shall be final and the expenses of the referees shall be divided equally between the owner of the animals and the town, city or plantation. Any town paying such damages caused by dogs may maintain an action on the case against the owner or keeper of such dogs to recover the amount paid, not exceeding the actual damage committed and fifty per cent additional. Any person who keeps a dog that kills or injures sheep or lambs shall be fined not less than fifty, nor more than one hundred dollars and costs, unless before the final disposition of the case, the said owner or keeper of the said dog produces satisfactory evidence that the dog has been killed.

Sec. 111. *Joint owners of dogs liable jointly and severally.* If any sheep, lambs, or other domestic animals are killed or injured by two or more dogs at the same time, kept by two or more owners or keepers, the said owners or keepers of said dogs shall be jointly and severally liable for such damage.

Sec. 112. *Reimbursement of amount paid by cities and towns.* When any city, town, or plantation shall have paid damages to the owners of sheep, lambs, or other domestic animals, as provided in section one hundred and ten, for losses caused by dogs, and the amount of such damages cannot be collected from the owners or keepers of said dogs, or the dog or dogs causing such losses cannot be identified, or shall have paid such damages for losses caused by wild animals, the mayor of such city, or the municipal officers of said town or plantation, shall forward to the state auditor a statement of facts in each case, showing the amount so paid, and the state shall reimburse such city, town or plantation to the amount of such damage from the fund received by said state under section one hundred and three, and so much as may be necessary is hereby appropriated to pay the same.

Sec. 113. *Expenditure of money remaining in state treasury.* All money received by the treasurer of state as provided in sec-

tion one hundred and three, and remaining unexpended at the end of the year shall be credited to the several cities, towns and plantations upon their state tax in proportion to the amount each has paid into the state treasury under the provisions of this chapter and so much thereof as remains unexpended as afore-said, is hereby appropriated to pay the same; provided, however, that the amount to be refunded to such plantations as are taxed as wild lands shall be paid direct to the plantation treasurer instead of being credited upon the state tax.

Sec. 114. *Penalty, if officer refuses or neglects duty.* Any mayor, selectman, clerk, constable, or police officer who refuses or wilfully neglects to perform the duties imposed by the thirteen preceding sections shall be punished by a fine of not less than ten nor more than fifty dollars and costs.

Sec. 115. *Liability for stealing or killing registered dog.* Whoever steals, injures or confines and secretes any registered dog, or kills any such dog, except as provided in the following section, and unless such killing be justifiable in the protection of person, property or game, shall be liable to the owner in a civil action for the full value of the dog.

Sec. 116. *When dogs may be lawfully killed.* Any person may at any time lawfully kill any dog found hunting or chasing moose, caribou, or deer, or any dog kept and used for that purpose. Any person may lawfully kill a dog which suddenly assaults him or another person when peaceably walking or riding, or is found worrying, wounding, or killing any domestic animal when said dog is outside of the enclosure or immediate care of his owner or keeper.

Sec. 117. *Written complaint of dangerous dogs at large.* Whoever is so assaulted or finds a dog strolling outside of the premises or immediate care of its keeper, and the said dog is not safely muzzled, may, within forty-eight hours thereafter, make written complaint before the municipal or police court having jurisdiction in the city or town where the owner or keeper resides, or in case there is no court, before a trial justice in said town, that he really believes and has reason to believe that said dog is dangerous and vicious, whereupon said court or trial justice shall order said owner or keeper to appear and answer to said complaint by serving said owner or keeper of said dog with a copy of said complaint and order a reasonable

time before the day set for the hearing thereon; and if upon hearing, the court or trial justice is satisfied that the complaint is true, he shall order the dog to be killed and the owner or keeper shall pay the costs. If the dog is not killed within the time fixed by such order, the court or magistrate making said order, may, upon application by the complainant, or other person, issue his warrant directed to the sheriff of the county or any of his deputies, or to any police officer or constable in the town where the dog is found, commanding such officer forthwith to kill said dog and to make return of his doings on said warrant to the court or magistrate issuing the same within fourteen days from date thereof. The officer shall receive from the county treasury two dollars for executing said warrant, together with his legal fees for travel, and the owner or keeper aforesaid shall be ordered to pay the costs of such supplementary proceedings.

Sec. 118. *Treble damages and costs when order is neglected.* If a dog, whose owner or keeper refuses or neglects to comply with said order, wounds any person by a sudden assault as aforesaid, or wounds and kills any domestic animal, the owner or keeper shall pay the person injured treble damages and costs, to be recovered by an action on the case.

Sec. 119. *Dogs in unorganized plantations.* Dogs kept in unorganized plantations shall be licensed by their owners or keepers in the oldest adjoining plantation or town. In case there is no adjoining town or plantation, said dogs shall be licensed in the nearest town or plantation.

Sec. 120. *Jurisdiction of courts; fines, how disposed of.* Trial justices, municipal and police courts shall have concurrent jurisdiction with the superior and supreme judicial court of all violations of the nineteen preceding sections. All fines imposed shall be paid into the treasury of the town where the offense is committed and shall be used for the benefit of the town unless otherwise provided.

CHAPTER 10, REVISED STATUTES.

Taxation of Animals.

Sec. 14, Paragraph IV. All mules, horses, and neat cattle shall be taxed in the town where they are kept on the first day

of each April, to the owner, or person who has them in possession at that time. All such animals, which are in any other town, than that in which the owner or possessor resides, for pasturing or any other temporary purpose on said first day of April, shall be taxed to such owner or possessor in the town where he resides; and all such animals, which are out of the state, or in any unincorporated place in the state on said first day of April, but owned by, or in charge and possession of any person residing in any town, shall be taxed to such owner or possessor in the town where he resides. If a town line so divides a farm that the dwelling-house is in one town, and the barn or outbuildings or any part of them is in another, such animals kept for the use of said farm, shall be taxed in the town where the house is.

Sec. 18. *Blood animals.* Blood animals, brought into the state and kept for improvement of the breed, shall not be taxed at a higher rate than stock of the same quality and kind bred in the state.

CHAPTER 128, REVISED STATUTES.

Sec. 14. *Penalty for securing false registration, etc., of domestic animals.* Whoever by any false pretense, obtains from any club, association, society or company for improving the breed of cattle, horses, sheep, swine or other domestic animals, the registration of any animal in the herd register or other register of any such club, association, society or company, or a transfer of any such registration, and whoever knowingly exhibits, makes or gives a false pedigree of any animal, shall be punished by imprisonment for not more than ninety days, or by fine not exceeding three hundred dollars, or by both such fine and imprisonment.

CHAPTER 126, REVISED STATUTES.

Cruelty to Animals.

Sec. 44. *Cruelty to animals, how punished.* Every person who cruelly overdrives, overloads or overworks, who torments, tortures, maims, wounds or deprives of necessary sustenance, or who cruelly beats, mutilates or kills any horse or other animal,

or causes the same to be done, or having the charge or custody thereof, as owner or otherwise, unnecessarily fails to provide such animals with proper food, drink, shelter and protection from the weather; every person, owning or having the charge or custody of any animal, who knowingly and wilfully authorizes or permits the same to suffer tortures or cruelty; and every owner, driver, possessor or person having the custody of an old, maimed, disabled or diseased animal, who cruelly works the same when unfit for labor, or who cruelly abandons such animal; and every person who carries or causes to be carried, or has the care of, in or upon a car or other vehicle or otherwise, any animal in a cruel or inhuman manner, shall for every such offense be punished by imprisonment in jail not exceeding one year, or by fine of not less than five, and not exceeding two hundred dollars.

Sec. 45. *Shooting of pigeons and other birds for amusement; not applicable to wild game.* Whoever keeps or uses any live pigeon, fowl or other bird for a target, or to be shot at either for amusement or as a test of skill in marksmanship, and whoever shoots at any bird as aforesaid, or is present as a party, umpire or judge at such shooting, and whoever rents any building, shed, room, yard, field or premises, or knowingly suffers the use of the same for such purpose, shall be punished by imprisonment in jail not exceeding thirty days, or by fine not exceeding fifty dollars. Nothing in this section prohibits the shooting of wild game in its wild state.

Sec. 46. *Premeditated fights between animals.* Whoever instigates, or aids in getting up or acts as umpire or judge, or is connected with or participates in, any fight between game birds or game cocks, dogs or bulls, or between dogs and rats or other animals, premeditated by any person having custody thereof, shall be imprisoned for not less than ten days nor more than six months, or be fined not more than two hundred dollars. Section six of chapter one hundred and twenty-five applies to this section.

Sec. 47. *Places for fighting or baiting dogs, cocks or other creatures.* Whoever keeps, or uses, or is in any way connected with, or interested in the management of, or receives money for the admission of any person to any place kept or used for the purpose of fighting or baiting any dog, cock or other

creature, and whoever aids or assists therein, or suffers any place to be so kept or used, shall be punished by imprisonment not exceeding two months, or by fine not exceeding fifty dollars.

Sec. 48. *Owning, or training, any bird or animal, to fight.* Whoever owns, possesses, keeps or trains any bird or animal with intent that the same shall be engaged in an exhibition of fighting, shall be punished by imprisonment not exceeding thirty days, or by fine not exceeding fifty dollars.

Sec. 49. *Officers may enter buildings where birds or animals are kept for unlawful training; dwelling protected.* Any sheriff, deputy sheriff, constable, police officer, officer of any society for the prevention of cruelty to animals, or any other person authorized to make arrests, may enter any building or enclosure where he has reason to believe that any bird or creature is kept for any unlawful purpose hereinbefore named; and whoever resists or interferes with such officer shall be punished by imprisonment in jail not exceeding one year, or by fine not exceeding one hundred dollars. But nothing in this section allows any officer to enter a dwelling-house without a warrant.

Sec. 50. *Exhibition of bears, prohibited; menageries excepted.* Whoever shall go about from town to town, or from place to place in any town, exhibiting any bear, shall be punished by fine not exceeding twenty dollars, or by imprisonment not exceeding thirty days, and such bear, after such notice to the owner thereof as the court may order, and a hearing thereon, may be declared forfeited, and ordered to be killed; but this section shall not be construed to prohibit the transportation or exhibition of bears in any authorized menagerie.

Sec. 51. *Railroads shall give cars containing animals continuous passage and preference to other freight.* Railroad companies within the state shall give cars containing cattle, sheep, swine or other animals a continuous passage in preference to other freight; and cars loaded with such animals at any station shall have precedence over all other freight. A greater number of animals shall not be loaded into any car than can stand comfortably therein. Animals of one kind only shall be loaded in the same apartment. Young animals shall not be loaded in the same apartment with those larger and mature, except in case of dams with their own and other

sucklings, which shall in all cases be transported in the same apartment and separate from other animals. Calves shall have free access to their dams, and shall not be muzzled, except that calves, for a period not to exceed twenty-four hours may be transported in a separate compartment. During December, January, February and March, cars used for the transportation of animals shall be sufficiently boarded on the sides and ends to afford proper protection to such animals in case of storms or severely cold weather.

Sec. 52. *Animals brought into the state, shall be allowed rest, shelter, food and water; animals in transit; liability of company for neglect.* Animals coming into the state on the same or connecting roads or other transportation lines, shall, within twenty-eight hours after they were loaded, be unloaded, comfortably yarded, and in cold or inclement weather, comfortably sheltered, and shall be furnished with a sufficient quantity of proper food and good water; and they shall continue so yarded or sheltered, fed and watered for a reasonable time. And all animals in transit within the state shall be so unloaded, yarded or sheltered, fed and watered every twenty-eight hours, unless delayed by accident or other unavoidable circumstances. Animals arriving at their destination within the state, or for embarkation on steamers between the hours of three in the forenoon and six in the afternoon, shall be so unloaded, yarded or sheltered, fed and watered within six hours thereafter and before embarkation. And animals arriving between the hours of six in the afternoon and three in the forenoon, shall be so unloaded, yarded or sheltered, fed and watered before nine o'clock in the forenoon following, and before embarkation, if remaining in the state. The railroad company or transportation line having animals in charge within the state at the expiration of the limit of time herein specified for unloading, feeding and watering, is liable to the penalties herein specified, for such neglect.

Sec. 53. *Time of confinement may be extended upon request; in the case of sheep.* Upon the written request of the owner or person in custody of any particular shipment of animals, which written request shall be separate and apart from any printed bill of lading or any railroad form, the time of confinement of any particular shipment of animals may be

extended to thirty-six hours; a railroad company or transportation line shall not be required to unload sheep in the night time, but where the time expires in the night time, in case of sheep, the same may continue in transit to a suitable place for unloading, not exceeding, however, the limitation of thirty-six hours during which they may be confined.

Sec. 54. *Penalty.* A railroad company or other transportation line violating any provision of the three preceding sections, forfeits not less than fifty, nor more than five hundred dollars for every such offense.

Sec. 55. *Application to owners, shippers, etc.* Sections fifty-one and fifty-two shall apply to the owners, shippers, charterer of cars or other person having the care, custody or charge of animals loaded into any car, or transported upon any railroad; and such owner, shipper, or charterer of cars, or other person having the care, custody or charge of animals, loaded into cars or transported over any railroad, for a violation of any of the provisions of said sections fifty-one and fifty-two, shall be subject to the same penalties as are imposed upon railroad companies for a like violation, by section fifty-four.

Sec. 56. *Railroad companies have a lien on such animals for penalties, and for care and protection.* Any railroad company or other transportation line shall have a lien on all animals in transit for reimbursement of penalties paid in consequence of the direction or orders of the owner or other person having such animals in charge, and for all extra expenses or damages incurred in the care and protection of animals according to this chapter, and is not liable for any detention of such animals for the purposes herein named.

Sec. 57. *Officers may take possession of animals detained in violation of law; lien.* Any sheriff, deputy sheriff, police officer, constable, officer of any society for the prevention of cruelty to animals, or other person authorized to make arrests, may take possession of any animals detained in violation of this chapter, and may unload the same, comfortably yard or shelter, feed, water and care for them, and have a lien thereon for a reasonable sum for such care, and is not liable for any damages for detention of the same.

Sec. 58. *Enforcement of lien.* Persons or corporations having such lien, may sell such animals at public auction, in

the town or city where they were found or are detained, after three days' written notice to the party claiming or owning the same; or if such party cannot be found, by publishing notice of the time and place of sale for three successive days in any daily, or once in any weekly newspaper printed in the county where such animals were found or are detained, and from the proceeds of such sale, may deduct all costs, charges and expenses, and a reasonable compensation for trouble, and shall hold the balance, if any, for, and pay over the same, on demand, to the parties owning said animals, or to the legal representatives of such parties.

Sec. 59. *Abandoned animals may be destroyed.* Any officer or agent of any society for the prevention of cruelty to animals may lawfully cause to be destroyed forthwith, any animal found abandoned or not properly cared for, appearing in the judgment of two reputable persons called by him to view the same in his presence, to be diseased or injured or in a condition from lack of food, water or shelter, past recovery for any useful purpose.

Sec. 60. *Old, diseased or disabled animal may be destroyed; proceedings.* Such officer or agent may take possession of any old, maimed, disabled, diseased or injured animal, and apply to any municipal or police court or trial justice for process to cause the same to be destroyed. If the owner is known, a copy of such application shall be served upon him in hand with an order of court to appear at a time and place named, to show cause why such animal should not be destroyed, and its value fixed. If the owner is not known, then the court shall order notices to be posted in two public and conspicuous places in the town, stating the case in substance, and giving forty-eight hours' notice of a hearing thereon. At such hearing if it appears that such animal is old, maimed, disabled, diseased or injured, and is unfit for use, the court shall determine the value of such animal, and shall issue process directing the officer to destroy the same. The defendant may appeal as in a civil action, but before such appeal shall be allowed, the defendant shall give sufficient security to said officer, to be approved by the court, to pay all the expenses for the care and support of such animal pending such appeal.

Sec. 61. *Officers may interfere to prevent cruelty.* Such officer or agent may lawfully interfere to prevent the perpetra-

tion of any act of cruelty upon an animal in his presence, and whoever interferes with or obstructs such officer or agent in the discharge of his duty is guilty of a misdemeanor.

Sec. 62. *Care of abandoned or neglected animals at the owner's expense; sheep abandoned on islands.* Any person may take charge of an animal whose owner has cruelly abandoned it, or cruelly fails to take care of and provide for it, and may furnish the same with proper shelter, nourishment and care at the owner's expense, and have a lien thereon for the same, and the keeping or leaving sheep on any of the uninhabited and barren islands, lying off the coast of Maine, within said state, during the months of December, January, February and March of any year, without providing sufficient food and proper shelter therefor, shall be deemed prima facie evidence that the owner or person having the custody and control of such sheep has violated the provisions of this section.

Sec. 63. *Penalty for docking horses' tails; disposal of fines.* Whoever cuts the solid part of the tail of any horse in the operation known as docking, or by any other operation performed for the purpose of shortening the tail, and whoever shall cause the same to be done, or assist in doing such cutting, unless the same is proved to be a benefit to the horse, shall be punished by fine not exceeding one hundred dollars. All fines collected under this section upon, or resulting from, the complaint or information of any officer or agent of the Maine State Society for the Protection of Animals, shall be paid over to said society in aid of the benevolent objects for which it was incorporated.

Sec. 64. *Duty of officers to prosecute for violations; payment for services.* Sheriffs, deputy sheriffs, police officers, constables and agents appointed under the provisions of the following section, shall investigate all cases of cruelty to animals coming to their knowledge, and shall cause offenders to be prosecuted in all cases in which the offense may appear to be of a sufficiently aggravated nature to require prosecution; all fines imposed for the punishment of such offenses, shall be paid over to the county treasurer of the county in which the offense may have been committed. For services and expenses in conducting such investigations such agents shall be paid a reasonable sum by the county in which such services are ren-

dered and expenses incurred, and for their travel the same fees as are now allowed officers, by law for the service of a warrant for arrest; provided, however, that all claims of such agents for such travel and services shall first be audited and approved by the county commissioners of the county liable to pay the same.

Sec. 65. *Agents to be known as State Humane Agents.* Upon application by the mayor and aldermen of any city, the selectmen of any town, the county commissioners of any county, or the president and three directors of any society for the prevention of cruelty to animals, the governor and council shall issue a badge and commission to any person designated, to arrest any person charged with violating any of the preceding twenty-one sections, the same as any sheriff, deputy sheriff or constable can do, and whose jurisdiction shall extend throughout the state. Such persons so designated shall be known as and denominated State Humane Agents.

Sec. 66. *Jurisdiction of offenses.* Municipal and police courts and trial justices shall on complaint cause to be arrested any person charged with the commission in their counties of any of the offenses described in the twenty-two preceding sections; the offense may be deemed to have been committed in any county where such animal may be found; and when such offenses are not of a high and aggravated nature, they may try and punish by fine of not less than five, nor more than twenty dollars and by imprisonment not exceeding thirty days; but when on examination the offense appears to be one not within their jurisdiction for trial, they may cause the person or persons charged with the commission of the same to recognize with sureties to appear before the supreme judicial court or a superior court, and in default thereof to be committed to jail.

Sec. 67. *Rules of construction of the twenty-three preceding sections.* In this chapter, and in every law relating to or affecting animals, the masculine includes the feminine, the singular includes the plural, the word "animal" includes every living brute creature, the words "torment," "torture" and "cruelty" include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted, and the words "owner" or "person" include corporations as well as individuals.

CHAPTER 53 OF THE PUBLIC LAWS OF 1921.

An Act to Prevent the Manufacture and Exhibition of Moving Picture Film Involving in its Preparation Intentional and Deliberate Cruelty to Animals.

Sec. 1. It shall be unlawful for any person knowingly and wilfully, as owner, manufacturer, photographer, exhibitor, manager, director or agent or in any other capacity to prepare, manufacture, make, exhibit or participate in the preparation, manufacturing, making or exhibiting of any moving or motion picture film involving in its preparation manufacture or making, intentional and deliberate cruelty to animals for the sole purpose of furnishing a scene for said moving or motion picture film.

Sec. 2. Any person who violates any provision of this act shall be punished by imprisonment not exceeding three months or by fine not exceeding one hundred dollars, or by both such fine and imprisonment. Any corporation violating any such provision shall be responsible for the knowledge and acts of its agents and servants therein and shall be punished by fine as herein provided, and such corporation and its agent or servant may be punished for the same act.

Sec. 3. Municipal and police courts and trial justices shall have jurisdiction of all offenses under this chapter.

CHAPTER 129, REVISED STATUTES.

Malicious Mischiefs and Trespasses.

Sec. 1. *Maliciously killing or injuring domestic animals.* Whoever wilfully or maliciously kills, wounds, maims, disfigures or poisons any domestic animal, or dog, or exposes any poisonous substance with intent that the life of such animal or dog shall be destroyed thereby, or steals or entices away or confines or harbors such animal for the purpose of obtaining a reward or for any other illegal purpose, shall be punished by imprisonment for not more than four years or by fine of not less than twenty, and not exceeding five hundred dollars.

CHAPTER 96, REVISED STATUTES.

Liens on Colts, and on Animals for Pasturage, Food and Shelter.

Sec. 60. *Lien on colts, for service fee.* There shall be a lien on all colts foaled in the state, to secure the payment of the service fee, for the use of the stallion begetting the same. Such lien shall continue in force until the foal is six months old, and may be enforced during that time by attachment of such foal.

Sec. 61. *Lien on animals for pasturage, food and shelter.* Whoever pastures, feeds or shelters animals by virtue of a contract with or by consent of the owner, has a lien thereon for the amount due for such pasturing, feeding or sheltering, and for necessary expenses incurred in the proper care of such animals and in payment of taxes assessed thereon, to secure payment thereof with costs, to be enforced in the same manner as liens on goods in possession and choses in action; and the court rendering judgment for such lien shall include therein a pro rata amount for such pasturage, feed and shelter provided by the lienor from the date of the commencement of proceedings to the date of said judgment.

CHAPTER 38, REVISED STATUTES.

Marking Sheep.

Sec. 16. *Owner of sheep shall have mark, to be recorded.* All owners of sheep shall mark them with some distinctive mark, by a cut in the ears, or a brand on some part of the animal, and cause such mark to be recorded by the clerk of their town in a book kept for that purpose.

Record of Stallions.

Sec. 17. *Record of advertised stallions to be filed and recorded in registry of deeds.* The owner or keeper of any stallion for breeding purposes, before advertising, by written or printed notices, the service thereof, shall file a certificate with the register of deeds in the county where said stallion is owned or kept, stating the name, color, age and size of the same, together with the pedigree of said stallion as fully as attainable, and the name of the person by whom he was bred;

and such register shall record such certificate in a book kept for that purpose. Copies of such certificate, duly certified by such register, may be used in evidence, the same as the original, in any court in the state. Whoever neglects to make and file such certificate, shall recover no compensation for said services, and, if he knowingly and wilfully makes and files a false certificate of the statements aforesaid, he forfeits one hundred dollars, to be recovered by complaint, indictment or action of debt, to the county where the offence is committed.

CHAPTER 19, REVISED STATUTES.

Depositing Carcass of Dead Animal where it may cause a Nuisance.

Sec. 85. *Depositing carcass of dead animal where it may cause nuisance forbidden.* Whoever personally or through the agency of another leaves or deposits the carcass of a dead horse, cow, sheep, hog or of any other of the larger domestic animals in any place where it may cause a nuisance shall, upon receiving a notice to that effect from the local board of health, promptly remove, bury or otherwise dispose of such carcass, and if he fails to do so within such time as may be prescribed by the local board of health, and in such manner as may be satisfactory to such board of health, he shall be punished by a fine of not less than five, nor more than twenty-five dollars, or by imprisonment not exceeding one month.

CHAPTER 54 OF THE PUBLIC LAWS OF 1921.

An Act to Repeal the Act Creating the Office of Live Stock Sanitary Commissioner and to Transfer the Duties of said Office to the Commissioner of Agriculture.

From and after the date when this act shall take effect, all powers now vested in the live stock sanitary commissioner and all duties and privileges now imposed or conferred upon him by and under existing laws, are hereby transferred to and imposed and conferred upon the commissioner of agriculture, to be exercised by him through such chief of division, deputy, assistant, or other agency, as he may determine with the approval of the governor and council, for the purpose of facilitating and encour-

aging the live stock interests of the state, and for extirpating all insidious, infectious and contagious diseases, especially tuberculosis, among cattle, horses, sheep and swine. The office of live stock sanitary commissioner is hereby abolished, and the tenure of all employees of said office is hereby terminated. The records of said office shall be transferred by him to the commissioner of agriculture and the rules and regulations promulgated by him and in force on the date when this act shall take effect, shall continue in force until altered or repealed by the commissioner of agriculture in accordance with law. All proceedings then pending before the live stock sanitary commissioner shall be transferred to the jurisdiction of the commissioner of agriculture, who is hereby vested with full authority to carry the same to completion as the live stock sanitary commissioner might have done had it not been for the enactment of this statute. In carrying out the provisions of this act, no new divisions or official positions shall be created within the department of agriculture, except in the employment of such additional clerical assistance as may prove necessary in the discharge of the additional duties imposed upon the department.

(For regulations governing livestock sanitary work apply to Division of Animal Industry, State House, Augusta, Maine.)

FRUIT INTERESTS.

APPLE PACKING LAW.

CHAPTER 36, REVISED STATUTES.

Sec. 25. *Standard barrel for apples; standard bushels box.* The standard barrel for apples shall contain seven thousand cubic inches; provided, however, that a barrel of the following dimensions when measured without distention of parts: length of stave, twenty-eight and one-half inches; diameter of head, seventeen and one-eighth inches; distance between heads, twenty-six inches; circumference of bulge not less than sixty-four inches outside measurement, shall be a lawful barrel. The standard bushel box for apples shall contain two thousand three hundred and fifty cubic inches; provided, however, that a box

eighteen inches by eleven and one-half inches by ten and one-half inches, inside measurement, without distention of parts, shall be a lawful bushel box.

Sec. 26. *Marks upon barrels and boxes used in shipping apples.* Manufacturers of standard barrels and boxes to be used in shipping apples shall mark, in a conspicuous place, on each barrel the words "standard barrel" and on each box the words "standard box." Whoever fails to comply with this section shall be punished by fine not exceeding one hundred dollars. Municipal and police courts, and trial justices shall have original jurisdiction, concurrent with the supreme judicial court and the superior courts, of prosecutions under this section.

Sec. 27. *Standard grades established.* The standard grades for apples when packed in closed packages shall be as follows:

First. Fancy, shall consist of apples of one variety above the average size and color for the variety, and none smaller than two and one-half inches in diameter, sound and free from worm-holes, bruises, scab, or any other defect that materially injures the appearance or useful quality of the apples, and shall be properly packed in clean, strong packages.

Second. Number one, or class one, shall consist of well-matured apples of one variety of normal shape and good color for the variety, not less than two and one-quarter inches in diameter, sound and free from all defects such as worm-holes, bruises, scab or any other defect that materially injures the appearance or useful quality of the apple, and shall be properly packed in clean, strong packages.

Third. Number two, or class two, shall consist of well-matured apples of one variety, not less than two inches in diameter, of medium color for the variety and normal shape. Apples two and one-quarter inches in diameter or less, must be sound. Apples more than two and one-quarter inches in diameter may have one defect such as a worm-hole or a bruise if the skin is not broken and shall be properly packed in clean, strong packages.

Fourth. Unclassified. Apples not conforming to the foregoing conditions as to variety, size and other conditions, shall be classed as unclassified.

Sec. 28. *Marks required on outside of package.* Every closed package of apples which is packed, sold, distributed, trans-

ported, offered or exposed for sale, distribution or transportation in the state by any person shall have affixed in a conspicuous place on the outside thereof a plainly printed statement clearly and truly stating the size of the package in terms of standard bushel box or standard barrel, the name and address of the owner or shipper of the apples at time of packing, the name of the variety, the class or grade of the apples contained therein, and if the apples were grown in Maine that fact shall be plainly designated.

Sec. 29. *Misbranded or adulterated apples shall not be packed.* No person shall, within this state, pack, sell, distribute, transport, offer or expose for sale, distribution, or transportation, apples which are adulterated or misbranded within the meaning of sections thirty and thirty-one of this chapter.

Sec. 30. *Term adulterated defined.* For the purpose of sections twenty-five to thirty-four, both inclusive, of this chapter, apples packed in a closed package shall be deemed to be adulterated if their measure, quality, grade or purity do not conform in each particular to the claims made upon the affixed guaranty.

Sec. 31. *Misbranded, defined.* For the purpose of sections twenty-five to thirty-four, both inclusive, of this chapter, apples packed in a closed package shall be deemed to be misbranded:

First. If the package fails to bear all statements required by section twenty-eight.

Second. If the package bears any statement, design or device regarding such article or its contents which shall be false or misleading in any particular, or is falsely branded in any particular.

Sec. 32. *Commissioner of agriculture shall have access to places where apples are packed.* The commissioner of agriculture, in person or by deputy, shall have free access, ingress and egress, at all reasonable hours to any place or any building wherein apples are packed, stored, transported, sold, offered or exposed for sale, or for transportation. He may also, in person or by deputy, open any box, barrel or other container, and may, upon tendering the market price, take samples therefrom.

Sec. 33. *Penalty for adulteration and misbranding.* Whoever adulterates or misbrands apples within the meaning of sections thirty and thirty-one of this chapter, or whoever packs, sells, distributes, transports, offers or exposes for sale, distribution or transportation, apples in violation of any provisions of

sections twenty-five to thirty-four, both inclusive, of this chapter, shall be punished by a fine not exceeding one hundred dollars for the first offense, and by a fine not exceeding two hundred dollars for each subsequent offense.

Sec 34. *Guaranty as a bar to prosecution.* No person shall be prosecuted under the provisions of the nine preceding sections when he can establish a guaranty signed by the person from whom he received any such article, to the effect that the same is not adulterated or misbranded, within the meaning of sections thirty and thirty-one, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such article to said dealer, and in such case said party or parties shall be amenable to the prosecutions, fines and other penalties which would attach, in due course, to the dealer under the provisions of the nine preceding sections.

CHAPTER 291, RESOLVES OF 1915.

Resolved, That there be, and hereby is, appropriated the sum of three thousand dollars, annually hereafter, to be expended under the direction of the Commissioner of Agriculture, for the purpose of carrying out the provisions of chapter one hundred fifty-six of the Public Laws of nineteen hundred thirteen, entitled, "An Act to Regulate the Packing, Shipping and Sale of Apples." So much of said appropriation shall be paid by the state treasurer to the Commissioner of Agriculture as may be shown by his bills and vouchers of expenditures in performing the duties required by the said act.

CHAPTER 20, RESOLVES OF 1913.

Whereas, the question of better fruit for the State of Maine is of the greatest importance to our State's welfare, now, therefore, be it,

Resolved, That there be and hereby is appropriated the sum of two thousand dollars annually, to be paid to the Maine State Pomological Society, this amount to be used by the society for the purpose of promoting the interests of better fruit growing in Maine by holding an annual exhibition, wherein premiums on horticultural products shall be paid, and such field meetings as

may be thought profitable by the Executive Committee, and for the payment of any other incidental expenses thereof, including salaries of not over two hundred dollars; provided an itemized account of all moneys expended be rendered each year to the Commissioner of Agriculture, and upon his approval and presentation of proper vouchers, said appropriation shall be paid.

CHAPTER 60, RESOLVES OF 1911.

Whereas, on November one, nineteen hundred and nine, James J. A. Gregory, late of Marblehead, Mass., gave to the state of Maine, an interest-bearing, first mortgage bond for one thousand dollars, to perpetuate the memory of his college friend, Marcus Manard Carleton, the interest whereof to be used for the promotion of scientific orcharding in Maine, according to the conditions accompanying the gift;

Resolved, That the treasurer of the State of Maine and his successors in office be and he hereby is constituted sole trustee to receive and hold said gift, re-investing same at maturity forever, and collecting and depositing in some approved savings bank in Maine, the interest on said gift, until the year nineteen hundred and fourteen, in which year, and on every fifty year thereafterward, said treasurer shall pay as directed by the governor and council from the interest at that time accrued the sum of two hundred dollars as a premium to the farmer, in Maine, who shall be named by the committee hereinafter provided, as a premium for the most thrifty and well kept orchard of one acre or more of apple trees five years from planting, on his own land, and shall so pay to said committee from the balance of such interest their necessary disbursements for travel in inspecting such orchards and awarding said prize.

And be it further resolved; that a committee consisting of three men, versed in the science and art of orcharding, shall in July, nineteen hundred and fourteen be appointed, as follows: Two members to be appointed by the governor, and one, who shall be the chairman, to be appointed by the commissioner of agriculture, who shall serve without pay, in inspecting the competing orchards and awarding the premium. At the expiration of five years from nineteen hundred and fourteen, and at five-year intervals thereafter, a like committee shall be appointed

to serve as above. Said committee shall visit the orchards entered in the contest for the Carleton prize and report in the month of October to the governor the name of the winner of said prize and other prizes that may be awarded in this contest, and shall be allowed by the governor and council their necessary disbursements as above, provided that, in no year of award shall a greater sum be allowed for disbursements, from this source, than the interest accrued on said gift over and above the sum of two hundred dollars.

And be it further resolved; that, before the month of January next following the season upon which the award is made, the department of agriculture shall mail to the postmaster of each town in the state, to be posted in the post office, a circular giving the conditions of the award, which, in addition to those already prescribed, shall provide that the trees planted may be from any one or more of four standard varieties of trees, the Ben Davis alone excluded.

And be it further resolved; that, if in the future, it shall be deemed by the department of agriculture inexpedient to continue offering the premiums, the entire amount of interest, as it falls due shall be collected by said treasurer and forthwith paid to the University of Maine to be devoted to the aid of the poor and deserving students therein.

TREES AND SHRUBS.

PROTECTION OF TREES AND SHRUBS FROM DANGEROUS INSECTS AND DISEASES.

CHAPTER 38, REVISED STATUTES.

Sec. 1. *State horticulturist, his appointment; term "nursery stock" defined.* The commissioner of agriculture shall appoint a state horticulturist, and the division of the department of agriculture under which such officer performs his duties, shall be known as the bureau of horticulture. The term "nursery stock," as used in the eleven following sections, is therein applied to all fruit and ornamental trees, shrubs and vines, and includes currant, gooseberry, blackberry and raspberry bushes, and strawberry plants.

Sec. 2. *Gipsy and brown-tail moths public nuisances; duty of commissioner; penalty for obstructing commissioner or officer.* For the purposes of the ten following sections the gipsy and brown-tail moths in their different stages, are hereby declared public nuisances, and their suppression is authorized and required, but no owner or occupant of real estate infested by such nuisance shall by reason thereof be liable to an action civil or criminal except to the extent and in the manner and form herein set forth. The commissioner of agriculture shall disseminate information concerning browntail and gipsy moths, San Jose scale and other injurious insects; and the entire work of suppressing the gipsy moth in all its forms shall be done under the direct charge of the commissioner. Any person who shall purposely resist or obstruct the commissioner or any person or persons under his employ, or any officer or agent of a city or town while engaged in the execution of the purposes of this section and the ten following sections, shall be punished by a fine not exceeding twenty-five dollars for each offense.

Sec. 3. *Nurseries to be inspected annually.* All nurseries or places where trees, shrubs, vines and plants are grown or offered for sale, shall be inspected at least once a year by the state horticulturist or by some competent person acting under his direction, and if no dangerous insects or fungous diseases are found therein a certificate to that effect shall be given. If such pests are found therein, the owner of the stock shall take such measures to destroy the same as the state horticulturist shall prescribe, and no certificate as aforesaid shall be given until the said horticulturist has satisfied himself that all such pests have been suppressed.

Sec. 4. *State horticulturist may inspect any orchard, field or garden; diseased trees or shrubs to be destroyed.* The state horticulturist, either personally or through competent assistants, may inspect any orchard, field, garden or roadside in public or private grounds, which he or they may know or have reason to suspect to be infested with the San Jose scale or any serious pest or infectious disease, when in his or their judgment such pests or infectious diseases are a menace to adjoining owners; and the state horticulturist may in writing order the owner, occupant or person in charge thereof, to properly spray or give other suitable treatment, or to cut and destroy any such dis-

eased trees or shrubs, if in the opinion of the state horticulturist such action is necessary. If the owner of such orchard, field or garden neglects or refuses to comply with such written order, he shall be fined not less than ten, nor more than fifty dollars for each offense.

Sec. 5. *Nursery stock shipped into state shall bear certificate of inspection; further inspection; destruction or return of infested stock.* All nursery stock shipped into this state from any other state, country or province shall bear on each box or package a certificate that the contents of said box or package have been investigated by a duly authorized inspecting officer, and that said contents appear to be free from all dangerous insects and diseases. The state horticulturist, or his competent assistants, may inspect, at the point of destination, all stock coming into the state, whether under certificate or not, and if such stock is found to be infested with any injurious insects or plant diseases, the state horticulturist shall cause it to be destroyed or returned to the consignor at the consignor's expense, if he shall so elect.

Sec. 6. *Transportation companies shall not transport uninspected stock; notice to commissioner or agriculture of consignments.* Any transportation company that shall bring into this state any nursery stock such as trees, shrubs, vines, cuttings or buds, or any transportation company, owner or owners of nursery stock or persons selling nursery stock as thus defined, who shall transport such stock or cause it to be transported within the state, the same not having attached to each box or package an unexpired official certificate of inspection which shall meet the requirements specified in section five, shall be punished by fine not exceeding one hundred dollars for each offense; and all transportation companies shall immediately, upon receiving consignments notify the commissioner of agriculture of the fact that such consignments are in their possession, or en route to some point within the state, and give the names and addresses of the consignor and consignee, destination of each shipment, the name of the transportation company bringing such stock, and the road or roads over which it is brought; and shall also make such further report relative to such shipments as the commissioner of agriculture may from time to time require.

Sec. 7. (As amended by P. L. 1917) *Agents and dealers in nursery stock shall obtain a license; fee.* No person, firm or corporation, excepting those growing all the nursery stock they sell, shall engage in, continue in, or carry on the business of selling or dealing in nursery stock, or solicit purchases of nursery stock within this state, either as owner thereof, or as agent of such owner, without first obtaining a license to carry on and conduct such business in this state. The form of license shall be prescribed by the state horticulturist, and the licenses shall be issued by him upon proper application therefor, and shall be in force one year from date of issue. The license fee shall be five dollars a year for agents, dealers, salesman or agent, as the case may be, and no license shall be assigned or transferred. Licenses of salesmen, dealers, agents or solicitors shall show the name and location of nursery and place of business of the nurserymen or tree dealers whom they represent or from whom they purchase their stock. Each separate agent and each separate store acting under a general agent or store must have a license as provided in this section. Fees obtained from such licenses shall be paid into the state treasury and added to the appropriation of the bureau of horticulture, and shall be used exclusively for the inspection of nursery stock introduced into the state from outside the state. Such license may be revoked at any time for failure to comply with the aforesaid requirements, or for such other causes as may in the opinion of the commissioner of agriculture be sufficient. Any violation of this section shall be punishable by a fine not less than ten, nor more than fifty dollars for each offense.

Sec. 8. *Notice to commissioner of agriculture of presence of insects; his duties; destruction of insects within public ways and parks.* If any person in the state suspects the presence of the brown-tail moth or San Jose scale preying upon trees, shrubs or vines in his possession or within his knowledge, he shall forthwith notify the commissioner of agriculture to that effect; and said commissioner shall cause the said trees, shrubs or vines to be inspected. If sufficient cause is found, the commissioner of agriculture shall forthwith notify the municipal officers of the city, town or plantation where such pests have been found. Municipal officers thus notified shall immediately cause to be

destroyed such of the above-named insects in their different stages as may be found within the limits of the public streets and parks; said limit shall extend to and include all trees whose branches overhang the highway. If the municipal officers neglect or fail to perform the duties herein imposed upon them within a reasonable time, the commissioner of agriculture shall order such city, town or plantation to proceed to destroy the above named insects in accordance with methods to be prescribed by him and to spend such an amount in the above-named work as he shall deem necessary. If any city, town or plantation shall fail to comply with the directions of said commissioner in the performance of said work and the expenditure of such money within the time specified by him, the commissioner of agriculture shall cause the said work to be done and shall charge the actual expense of the same to said city, town or plantation; such amount shall be collected as a state tax and credited to the appropriation for said purpose.

Sec. 9. *Notice to owners of real estate to destroy insects; owner neglecting, town shall destroy.* Whenever a city, town or plantation is notified by the commissioner of agriculture of the presence of the brown-tail moth or San Jose scale, the mayor of each city, the selectmen of each town and the assessors of each plantation shall notify each owner of real estate located therein, requiring him to destroy the above-named insects in his orchard and shade trees within a specified time. If the owner fails to destroy the above-named insects before the specified time, the city, town or plantation, subject to the approval of the commissioner of agriculture, shall destroy them, and shall assess upon such aforesaid real estate the actual cost of so doing, to an amount, however, not exceeding one per cent of the assessed valuation of the above-named property. The amount so assessed shall be collected in the form of a tax.

Sec. 10. *Towns may raise money; expenditure.* Cities and towns may raise the sums necessary to carry out the provisions of the preceding section in the same manner as money is raised for other necessary municipal purposes. Whenever any city or town shall appropriate or raise a sum of money and shall pay the same into the state treasury for the purpose of exterminating the gipsy moth within its borders, the commissioner of agri-

culture shall cause such amount to be expended in such city or town as herein provided, together with an equivalent amount from the appropriation made therefor; provided, however, that if the commissioner of agriculture finds it to be unnecessary or impracticable to expend such entire amount during the year following such payment to the treasurer of state, one-half the amount so remaining unexpended shall be reimbursed to such city or town.

Sec. 11. *Duties of municipal officers as to worthless trees along highways.* The municipal officers of cities and towns shall, before the first day of June of each year, cut, burn and destroy all dead or worthless apple trees, and all wild cherry trees within the limits of the public ways, streets and parks of their respective towns and cities. For neglect or failure to perform the aforesaid duties each of such officers shall be punished by a fine of not less than fifty dollars.

Sec. 12. *Jurisdiction; control of prosecutions.* Municipal and police courts and trial justices shall have original jurisdiction, concurrent with the supreme judicial court and superior courts, of prosecutions for violations of the eleven preceding sections. All prosecutions shall be instituted by the commissioner of agriculture and shall be directed by him; all penalties recovered for any violation of said sections shall be paid into the state treasury and are hereby appropriated for the use of the commissioner in the enforcement of said sections in addition to any specific appropriation made therefor, and may be drawn from the treasury in the same manner as such appropriation.

Sec. 13. *Crop pest commission, its membership, duties and authority.* The Crop Pest Commission, heretofore established, consisting of the governor, the attorney-general, the commissioner of agriculture, the pathologist and the entomologist of the Maine Agricultural Experiment Station, may direct the commissioner of agriculture to make such regulations as said commission deem necessary to prevent the introduction into the state, or the dissemination therein, of any insect, pest or plant disease, seriously injurious to vegetation.

Sec. 14. *Vegetation and nursery stock, defined.* In the preceding section and in any regulation made under the authority thereof, "vegetation" shall mean any tree, shrub, vine, vegetable

or other plant, or the product, or any other portion of the tree, shrub, vine, vegetable or other plant; "nursery stock" shall mean all fruit and ornamental trees, shrubs and vines, and shall include currant, gooseberry, blackberry and raspberry bushes.

MISCELLANEOUS.

CHAPTER 28, REVISED STATUTES.

Fences. Drainage of Salt Marshes.

Sec. 1. *Legal fences.* All fences four feet high and in good repair, consisting of rails, timber, stone walls, iron or wire, and brooks, rivers, ponds, creeks, ditches and hedges, or other things which in the judgment of the fence-viewers having jurisdiction thereof are equivalent thereto, are legal and sufficient fences; provided, however, that no barbed wire fence shall be accounted legal and sufficient, unless it is protected by an upper rail or board of wood, and no division fence built after the twenty-sixth day of March, eighteen hundred ninety-seven, within thirty rods of any dwelling-house in the construction of which barbed wire is used, shall be accounted legal and sufficient except by mutual written consent of the adjoining owners.

Sec. 2. *Maintenance.* The occupants of lands enclosed with fences shall maintain partition fences between their own and the adjoining enclosures, in equal shares, while both parties continue to improve them.

Sec. 3. *If either neglects, proceedings of fence-viewers on application.* If any party neglects or refuses to repair or rebuild any such fence, which he is legally required to maintain, the aggrieved party may complain to two or more fence-viewers of the town where the land is situated, who, after due notice to such delinquent, shall proceed to survey it, and if they determine that it is insufficient, they shall signify it in writing to the delinquent occupant, and direct him to repair or rebuild it within such time as they judge reasonable, not exceeding thirty days. If the fence is not repaired or rebuilt accordingly, the complainant may make or repair it.

Sec. 4. *Complainant may recover double compensation for building fence, in certain cases.* When the complainant has

completed such fence, and after notice given, it has been adjudged sufficient by two or more of the fence-viewers, and the value thereof, with the fence-viewers' fees, certified under their hands, he may demand of the occupant or owner of the land, where the fence was deficient, double the value and fees thus ascertained; in case of neglect or refusal for one month after demand, he may recover the same by an action on the case, with interest at the rate of one per cent a month, and if the delinquent owner or occupant repairs or rebuilds such fence without paying the fees of the fence-viewers, certified by them, double the amount thereof may be recovered by the complainant as herein provided.

Sec. 5. *Proceedings for division of partition fences; record of assignments by fence-viewers; fees.* When the occupants or owners of adjacent lands disagree respecting their rights in partition fences and their obligation to maintain them, on application of either party, two or more fence-viewers of the town where the lands lie, after reasonable notice to each party, may in writing under their hands assign to each his share thereof, and limit the time in which each shall build or repair his part of the fence, not exceeding thirty days. Such assignment and all other assignments of proprietors of partition fences herein provided for, recorded in the town clerk's office, shall be binding upon the parties, and they shall thereafter maintain their part of said fence. If such fence has been built and maintained by the parties in unequal proportions, and the fence-viewers adjudge it to be good and sufficient, they may, after notice as aforesaid, in writing under their hands, award to the party who built and maintained the larger portion, the value of such excess, to be recovered in an action on the case against the other party, if not paid within six months after demand. Parties to assignments under the provisions hereof shall pay the fees of the fence-viewers certified under their hands, in equal proportions, and if either party neglects to pay his proportion within one month after demand, the party applying to the fence-viewers may pay the same and recover of said delinquent party, in an action on the case, double the amount of his said proportion thereof.

Sec. 6. *Each party shall build part assigned; if not, remedy for other party.* If any party refuses or neglects to build and maintain the part thus assigned to him, it may be done by the aggrieved party; who is entitled to double the value and expenses, to be ascertained, and recovered as provided in section four, and shall have a lien therefor on the land owned or occupied by the party neglecting or refusing to build or maintain the partition fence assigned to him by the fence-viewers, to be enforced by attachment made within one year from the day of division by them.

Sec. 7. *Repair.* All division fences shall be kept in good repair throughout the year, unless the occupants of adjacent lands otherwise agree.

Sec. 8. *Fences may vary from the dividing line in certain cases.* When in the opinion of the fence-viewers having jurisdiction of the case, it is, by reason of natural impediments, impracticable or unreasonably expensive to build a fence on the true line between adjacent lands, and the occupants disagree respecting its position, on application of either party as provided in section five, and after notice to both parties, and a view of the premises, they may determine, by a certificate under their hands communicated to each party, on which side of the true line, and at what distance, or whether partly on one side and partly on the other, and at what distances, the fence shall be built and maintained, and in what proportion by each party; and either party may have the same remedy against the other, as if the fence were on the true line.

Sec. 9. *Assignment of parts before fence is built.* When adjacent lands have been occupied in common without a partition fence, and either party desires to occupy his in severalty, or when it is necessary to make a fence running into the water, and the parties liable to build and maintain it disagree, either party may apply to the fence-viewers of the town, who shall proceed as in section five; except that the fence-viewers may allow longer than thirty days for building the fence, having regard to the season of the year. In other respects the remedy shall be as there provided.

Sec. 10. *Occupant ceasing to improve, not to remove his fence if the other will buy.* When one party ceases to improve

his land, or lays open his enclosure, he shall not take away any part of his partition fence adjoining the next enclosure improved, if the owner or occupant thereof will pay therefor what two or more fence-viewers, on due notice to both parties, determine to be its reasonable value.

Sec. 11. *Liability of owner beginning to improve land lying in common.* When any land, which has been unenclosed, is afterwards enclosed, or used for pasturing, its occupant or owner shall pay for one-half of each partition fence on the line between his land and the enclosure of any other occupant or owner, and its value shall be ascertained in writing; if the parties do not agree, by two or more of the fence-viewers of the town where such fence stands; and after the value is so ascertained, on notice to such occupant or owner, if he neglects or refuses for thirty days, after demand, to pay it, the proprietor of the fence may have an action on the case for such value and the cost of ascertaining it.

Sec. 12. *If fence is on town line, how divided.* If the line on which a partition fence is to be made or to be divided, is the boundary between two or more towns, or partly in one town, and partly in another, a fence-viewer shall be taken from each town.

Sec. 13. *Division of fences, when binding; owners of land lying common giving six months' notice, not required to build; verbal agreements for division, to be enforced.* When a fence between owners of improved lands is divided either by fence-viewers, or by the written agreement of the parties recorded in the town clerk's office where the land lies, the owners shall erect and support it accordingly; but if any person lays his lands common, and determines not to improve any part of them adjoining such fence, and gives six months' notice to all occupants of adjoining lands, he shall not be required to maintain such fence while his land so lies common and unimproved. But all partition fences divided by parol agreement and actually built in pursuance of such agreement, including fences so built heretofore, shall be deemed legal fences as if divided by fence-viewers or written agreement, and the adjoining owners shall support their respective portions of fence under such agreement, until otherwise ordered by the fence-viewers, on applica-

tion to them by either party. And when a party has constructed his part of a fence in pursuance of a parol or written agreement or assignment of fence-viewers, no assignment shall thereafter be made by fence-viewers, depriving him of the full value of such fence or any part thereof.

Sec. 14. *Foregoing provisions not applicable to house-lots, nor to agreements.* Nothing herein extends to house-lots, the contents of which do not exceed half an acre; but if the owner of such lot improves it, the owner of the adjacent land shall make and maintain one-half of the fence between them, whether he improves or not; nor does this chapter make void any written agreement respecting partition fences.

Sec. 15. *Neglect of duty by fence-viewers.* Any fence-viewer, who when requested, unreasonably neglects to view any fence, or to perform any other duties herein required of him, forfeits three dollars to any person suing therefor within forty days after such neglect, and is liable for all damages to the party injured.

Sec. 16. *Compensation; recovery.* Each fence-viewer shall be paid by the person employing him, at the rate of three dollars a day for the time employed. If the party liable neglects to pay the same for thirty days after demand, each fence-viewer may recover double the amount in an action on the case.

CHAPTER 24, SECTION 90, REVISED STATUTES.

Abatement of Taxes for Wide Wheels and Watering Troughs.

Wide wheels and watering troughs, abatement therefor; public drinking troughs and fountains. A town at its annual meeting may authorize its assessors to abate not exceeding three dollars of the tax of any person, upon proof that he has owned and used on the ways during that year cart wheels having feloes not less than six inches wide. And they shall abate five dollars from the tax of any inhabitant, who shall construct, and during the year keep in repair a watering trough beside the highway, well supplied with water, the surface of which shall be two feet or more above the level of the ground, and easily accessible for horses and carriages, if the assessors think such watering trough for the public convenience. If more than one person in the same locality claims to furnish it, the municipal

officers shall decide where it shall be located. Such officers may establish and maintain such public drinking troughs, wells and fountains within the public highways, squares and commons of their respective towns, as in their judgment the public necessity and convenience require; and towns may raise and appropriate money to defray the expense thereof.

CHAPTER 74, PUBLIC LAWS OF 1921.

AN ACT TO PROTECT THE BEE INDUSTRY OF THE STATE OF MAINE.

Sec. 1. The State Horticulturist of Maine shall upon request of any keeper of bees in the state inspect the hives of bees for the purpose of discovering whether they are suffering from any disease. If he finds that the bees are infected, he shall furnish the owner of said bees full instructions as to the nature of the disease and method of treatment without cost to the owner. The state horticulturist may by himself or another give lectures and demonstrations on the keeping of bees.

Sec. 2. All persons owning bees within the state shall notify the state horticulturist of the number of hives owned by them and their location. The information shall be made on blanks furnished by the state horticulturist.

CHAPTER 199, PUBLIC LAWS OF 1919.

Sec. 16. *Local assessors not to include eggs in inventory after 1918; neat cattle over 18 months old taxable.* Assessors of taxes shall include in the inventory, required to be taken on April first, the number and value of all neat cattle, eighteen months old and under, all sheep to the number of thirty-five and swine to the number of ten, stated separately, and at every fifth year after nineteen hundred and eighteen the number and value of each kind of domestic fowl. They shall make return thereof to the state assessors who shall tabulate the returns and publish them in detail. Said property shall not be included in the tax list.

CHAPTER 42, PUBLIC LAWS OF 1919.

FARM BUREAU LAW.

An Act to provide for co-operative agricultural extension work between the several counties of Maine and the University of Maine, College of Agriculture, in accordance with the Federal Agricultural Extension Act of May eighth, nineteen hundred and fourteen, entitled, "An Act to Provide for Co-operative Agricultural Extension Work between the Agricultural Colleges and the United States Department of Agriculture."

Sec. 1. That in order to aid in diffusing among the people of the state of Maine useful and practical information on subjects relating to agriculture, home economics and rural life and to encourage the application of the same, there may be inaugurated in each of the several counties of the state of Maine extension work which shall be carried on in co-operation with the University of Maine, College of Agriculture.

Sec. 2. Co-operative agricultural extension work shall consist of the giving of practical demonstrations in agriculture and home economics, and imparting information on said subjects through field demonstrations, publications and otherwise; and this work shall be carried on in each county in such manner as may be mutually agreed upon by the executive committee of the farm bureau of such county, provided for in section three of this act, and the trustees of the University of Maine, College of Agriculture, or their duly appointed representatives.

Sec. 3. That for the purpose of carrying out the provisions of this act there may be created in each county or combination of two counties within the state of Maine an organization to be known as a "farm bureau," in the following manner: Whenever a number not less than two hundred of bona fide rural residents within any county or combination of two counties in the state of Maine shall have effected temporary organization for doing extension work in agriculture and home economics, and shall have adopted a constitution and set of by-laws acceptable to the University of Maine, College of Agriculture, they shall be recognized as the official body within said county or counties for carrying on extension work in agriculture and home

economics within said county or counties in co-operation with the University of Maine, College of Agriculture. Such organization may make such regulations and by-laws for its government and the carrying on of its work as are not inconsistent with the provisions of this act; provided that any county farm bureau or other county organization within any of the counties in the state of Maine that is now doing extension work in agriculture and home economics in co-operation with the University of Maine, College of Agriculture, upon complying with the provisions of this section, shall be the recognized farm bureau of the county or counties where it is located, and provided further that but one such organization shall be formed in each county.

Sec. 4. The executive committee of each county farm bureau shall annually prepare an annual financial budget for the twelve months beginning January first next thereafter, showing in detail its estimate of the amount of money to be expended under the provisions of this act within the county or counties for such twelve months; shall submit the same to a vote of the bureau at the regular annual meeting, and, if the budget is approved by a majority vote of the members of the bureau present at such meeting, the executive committee shall submit the same to the board of county commissioners on a date in December approved by said county commissioners, and the county commissioners shall include the amount of this budget in the appropriations by them annually recommended, and levy a tax therefor; provided further that the amount thus raised by direct taxation within any county or combination of counties for the purposes of this act shall be not less than one thousand and not more than two thousand dollars annually. Whenever the inhabitants of two counties shall unite for organization in one farm bureau the amount of the tax assessed upon each county shall be in the proportion which the number of farm bureau members in that county bears to the total number of members in the two counties so united.

Sec. 5. It shall be the duty of each said county farm bureau annually on or before the tenth day of December, to present its plan of extension work for the ensuing year and to render to both the trustees of the University of Maine, College of Agri-

culture, and the county commissioners a full detailed report of its extension activities for the preceding fiscal year, including a detailed report of its receipts and expenditures from all sources; and the financial report of such county farm bureau shall be on such forms as may be prescribed by the trustees of the University of Maine, College of Agriculture.

DAIRY PRODUCTS.

CHAPTER 37, REVISED STATUTES.

REGULATION OF SALE OF MILK.

Duties of Commissioner of Agriculture.

Sec. 1. *Duty of commissioner of agriculture; shall have access to all places of business.* The commissioner of agriculture shall either in person or by duly authorized agents and assistants, diligently inquire into and investigate the production, manufacture, transportation, storage and sale of milk, cream, butter and all other dairy products, substitutes therefor or imitations thereof. The commissioner, his agents and assistants, shall have access at all reasonable hours, to all places of business, factories or carriages, cans or other vessels used or which he or they believe to be used in the production or handling of milk or any other dairy product, substitute therefor or imitation thereof, and upon tendering the market price of a sample of milk or other dairy products, substitute therefor or imitation thereof, may take such sample from any person, firm, corporation, association or society; the commissioner shall cause all samples so taken to be analyzed.

Sec. 2. *Penalty for obstructing commissoiner in performance of duty.* Whoever hinders, obstructs, or in any way interferes with the commissioner of agriculture, his agents or assistants, in the performance of his or their duty, herein above set forth, by refusing entrance to any place where he is authorized to enter, or access to any receptacle to which he is authorized to have access, or by refusing to deliver to him, his agents or

assistants, a sample of milk or any other dairy products, substitute therefor or imitation thereof, sold, offered or exposed for sale by the person to whom such request is made if the value thereof is tendered, or shall in any other manner hinder, obstruct or interfere with said commissioner, his agents or assistants, in the performance of any of their said duties, shall be punished by a fine of one hundred dollars for the first offense and two hundred dollars for each subsequent offense.

Sec. 3. *Publication of results of analyses.* The commissioner of agriculture may, in his discretion, publish the results of all analyses with the names of the persons, firms, corporations, associations and societies from which the samples analyzed were taken, together with such suggestions as he may deem advisable, in the regular or special bulletins issued by the department of agriculture. He may also, in his discretion, issue each month a report of the results of all analyses, for distribution to such newspapers in the state as may request a copy.

Sec. 4. *Duty of commissioner to enforce law.* The commissioner of agriculture shall, either in person or by his duly authorized agent or assistant, diligently enforce the laws relating to the production, manufacture, transportation, storage and sale of milk and all other dairy products, substitutes therefor or imitations thereof, including oleomargarine and renovated butter. He shall likewise diligently enforce the laws relating to the sealing of cans, bottles and other vessels used in the purchase and sale of milk and cream, the protection thereof against mutilation, and the cleansing and sterilizing thereof before use or before being forwarded to producers or distributors of milk; and he may, either in person, or by his duly authorized agent or assistant, seize without warrant such cans, bottles or other vessels used in the purchase or sale of milk or cream, as may, in his judgment, be needed as evidence of violation of the laws above referred to. For the above purposes he may employ such agents, assistants, chemists, counsel and clerks, and he may purchase such samples of milk, cream and other dairy products, substitutes therefor or imitations thereof, and such stationery, postage, printed matter and other supplies incidental thereto, as may be necessary for the proper enforcement of said laws.

REGISTRATION OF MILK DEALERS.

Sec. 5. *Registration of milk dealers; penalty for refusing to register or post certificate.* Any person, firm, corporation, association or society who shall sell or deliver milk or cream as a business to any person from a wagon or other conveyance, depot or store, or who shall sell or deliver milk to a hotel, restaurant, boarding-house or any public place, shall be considered a milk dealer within the meaning of this section, and shall on or before the first day of April in each year, apply to the commissioner of agriculture for registration, furnishing such information as may be required, upon blanks issued and furnished by the commissioner to such persons as may request the same. Every such registration shall expire on the first day of April, next after its issue and shall be granted only to the milk dealer owning or leasing the vehicle or place from which sales and supplies are to be made and shall not be transferred. Upon receipt of the application for registration, containing the information required, and upon being satisfied that all milk is being produced and handled in a sanitary way and is from cows free from disease, the commissioner shall issue to the applicant a certificate of registration, which certificate shall be posted in a conspicuous place in the store or depot from which sale or supply is made, and the number of the certificate of registration for each wagon or other vehicle shall be placed in a conspicuous place on said wagon or other vehicle. The commissioner may cancel the certificate of any dealer, who, after due hearing on complaint by the commissioner or his authorized agent, is found to be selling milk produced or handled under unsanitary conditions or milk from diseased cows. If any person, firm, corporation, association or society desires to become a milk dealer, as provided by this section, before the first day of April in any year, he or they shall, prior to engaging in the business, register with the commissioner of agriculture in the manner hereinbefore provided, for each place or vehicle from which sale or supply is to be made.

Any dealer who neglects or refuses to register with the commissioner of agriculture, or to post certificates of registration in the store or depot from which sale or supply is made, or to post the number of the certificate of registration on the wagon

or other vehicle from which sale or supply is made, as provided in this section, or to surrender his certificate to the commissioner when notified in writing that the same has been cancelled, and the reason given for cancellation, forfeits fifty dollars to be recovered in an action of debt, to be prosecuted in the name of the state by the county attorney for the county in which such violation has occurred: but the provisions of this section shall not apply to milk or cream delivered to a creamery or butter or cheese factory.

Sec. 6. *Municipal officers shall prosecute violations.* The mayor and aldermen, selectmen, assessors, city marshal, chief of police and constables in every city and town shall make complaint and prosecute all violations of the preceding sections, and promptly enforce all laws against illegal sale and transportation of dairy products.

Inspection and Sale of Milk.

Sec. 7. *Inspector or agent of state board of health may make inspection of dairy buildings.* Whenever, in the opinion of any officer or duly authorized inspector or agent of the state board of health, it may be necessary to guard against the spread of any infectious or communicable disease, or to investigate the source of infection of any case or outbreak of said disease, or to facilitate the control of said disease, said officer, inspector or agent may at all times enter and inspect premises, rooms, carriages or other places occupied or used in the production, manufacture, storage, sale, transportation or distribution of milk, cream, ice cream or other dairy product, and may inspect all cans and other utensils or things used in, or appertaining to the work or business.

Sec. 8. *Officer may prohibit sale or transportation of infected products; duty of state board of health.* When any officer, inspector, or duly authorized agent of the state board of health has reason to believe that the milk, cream, ice-cream or other dairy product from any farm, home or other place has been or is contaminated or infected by being handled or otherwise exposed to any person who has an infectious or communicable disease, or to any person of whom there is reason to believe that

he may be an infection carrier, or that the milk is otherwise infected; said officer, inspector or agent may issue an order prohibiting the transportation, sale, distribution or use of such milk or other dairy products from that farm, home or other place so long as the danger of contamination or infection is believed to exist; but when such order is given, the state board of health shall, so far as possible, determine the time when the danger of transmitting infection has passed, and shall endeavor to shorten the period during which the milk or other dairy product shall be debarred or withheld from transportation, sale, distribution or use.

Sec. 9. *Officers may take samples to aid in investigation.* Any officer or authorized inspector or agent of the state board of health, may, upon tendering the market price of a sample of milk, cream, ice cream or other dairy product, take such sample from any person, firm, corporation, association or society, when it is believed that such sample may help in any investigations which it may be thought desirable to make.

Sec. 10. *State board of health may make rules and regulations as to diseases transmitted through milk.* The state board of health may make, alter or modify such rules and regulations as may be thought necessary relating to the diseases which it believes may be carried or transmitted through milk or other dairy products, or relating to the ways and means through which the danger of the spread of infection may be prevented or lessened, and the methods which shall be followed by any officer, inspector or agent of the state board of health in the performance of his duties in relation thereto.

Sec. 11. *Penalty for interference with inspector or agent in performance of duty.* Whoever hinders, obstructs or interferes with any officer, inspector or duly authorized agent of the state board of health while in the performance of his duties, or violates or disobeys any of the orders, rules or regulations which may be made or given by the state board of health or any officer, inspector or agent thereof, shall be punished by a fine of not less than five, nor more than fifty dollars, or by imprisonment for not less than ten, nor more than thirty days.

Sec. 12. *Inspectors of milk, appointment.* The municipal officers of cities and towns containing not less than three thou-

sand inhabitants, and the municipal officers of all other towns on application of ten voters therein, shall appoint annually one or more persons to be inspectors of milk, cream, butter and all other dairy products, substitutes therefor and imitations thereof, who before entering upon their duties, shall give notice of their appointment by publishing the same for two weeks in a newspaper published in their towns, if any, otherwise by posting such notice in two or more public places therein; and they may receive such fees as said officers establish.

Sec. 13. *Duties of inspectors of milk.* Inspectors appointed by the municipal officers of cities and towns shall keep an office and books for the purpose of recording the names and places of business of all persons selling milk or other dairy products within their jurisdiction. They shall have access at all reasonable hours to all places of business, factories or carriages, cans or other vessels used in the production, handling or sale of milk or any other dairy product, substitute therefor or imitation thereof, and, upon tendering the market price of a sample of milk or other dairy product, substitute therefor or imitation thereof may take such sample from any person, firm, corporation or association; cause it to be analyzed or otherwise satisfactorily tested, and preserve the result as evidence. The inspectors shall, if the owner of the product inspected so requests, leave with the owner a sealed specimen of the product examined by them, which shall be marked in the same manner as the specimen taken at that time by the inspector; and they shall prosecute for all violations of sections fifteen and twenty-eight.

Sec. 14. *Standard measure for milk and cream.* All milk and cream bought and sold by measure for consumption within this state shall be bought and sold by wine measure, the standard for which shall be two hundred and thirty-one cubic inches to the gallon, and for subdivisions of the gallon, in the same proportion.

Sec. 15. *All measures, cans, etc., shall be proved and plainly marked.* All measures, cans or other vessels used in the purchase or sale of milk or cream, except glass bottles and jars sealed in accordance with the provisions of sections twenty and twenty-one, shall be tried and proved by the standard mentioned

in the preceding section, by the sealer of weights and measures of the city or town in which the person, firm or corporation purchasing or selling such milk or cream resides or has a place of business. The sealer of weights and measures shall, agreeably to such standard, plainly stamp thereon the quantity which such measures, cans or other vessels hold, together with the year in which such measures, cans or other vessels are sealed. Whoever, by himself, clerk, servant or agent, sells by measure any milk or cream, by any other than the measure so tried, sealed and marked, shall forfeit for each offense the sum of ten dollars. Any measure, can or other vessel used in the purchase or sale of milk or cream, lawfully sealed, as aforesaid, in any city or town within the state shall be deemed to be lawfully sealed under the provisions of this section.

Sec. 17. *Penalty for mutilating cans and measures, or erasing names and marks.* Whoever by himself or by his servant or agent, or as the servant or agent of any other person, firm or corporation, having custody of a milk can, measure or other vessel used as a container for milk destined for sale, shall wantonly, wilfully or maliciously indent, bend or otherwise mutilate said can, measure or other vessel so that the same will not contain eight quarts and one pint, standard measure, as hereinbefore provided, or who shall wantonly, wilfully or maliciously erase, efface or otherwise mutilate said can, measure or other vessel so that any names, figures or other marks placed thereon by a sealer of weights and measures shall become illegible shall be punished by a fine not exceeding fifty dollars.

Sec. 18. *Milk cans shall be cleansed and sterilized; storage room shall be kept in sanitary condition.* All persons, firms and corporations who shall purchase milk or cream for the purpose of reselling the same, either at wholesale or retail, shall thoroughly cleanse and sterilize all cans, vessels and other utensils prior to their being used in the manufacture, transportation, storage and sale of said milk or cream. All persons, firms and corporations engaged in the business of retailing milk or cream, shall thoroughly cleanse and sterilize all vessels, jars, cans and other utensils used in the manufacture, storage and sale of milk or cream immediately before such vessels, jars or cans are

filled for distribution. And the place or room in which milk or cream is stored, bottled or otherwise handled shall be kept in a clean and sanitary condition. Any person, firm or corporation violating this section or section sixteen of this chapter shall be punished by fine not exceeding fifty dollars.

Sec. 19. *Milk cans shall be cleansed and sterilized before delivery.* All cans or other receptacles used in the transportation of milk or cream shall be cleansed and sterilized before being forwarded to the producer or distributor of milk or cream for use. Whoever by himself, clerk, servant or agent ships or transports or causes to be shipped or transported any cans or other receptacles not cleansed and sterilized as provided in this section, shall be punished by a fine of not exceeding fifty dollars for each offense.

Sec. 20. *Capacity of milk bottles and jars.* Glass bottles and jars which are used for the distribution of milk or cream to consumers and which hold, when filled to a level with the bottom of the cap or stopple, not less than thirty-two ounces or more than thirty-two ounces and six drams; not less than sixteen ounces or more than sixteen ounces and four drams; not less than eight ounces or more than eight ounces and two drams for the quart, pint and one-half pint respectively, shall be sealed as full measure under the provisions of section thirteen of chapter forty-eight, or by the manufacturer. All dealers in milk or cream who use glass bottles or jars for the distribution of milk or cream to consumers, which have not been sealed by the manufacturer, shall bring such bottles or jars to the office of their city or town sealer to be sealed as aforesaid. If the bottle or jar has once been sealed by a sealer of weights and measures, or by the manufacturer, it shall not in any case be necessary to have it sealed again at any time while it is used for the distribution of milk or cream to consumers. Glass bottles or jars sealed under the provisions of this section shall not be legal measures except for the distribution of milk or cream to consumers.

Sec. 21. *Marking of bottles and jars sealed by manufacturer; bond of manufacturer.* Such bottles or jars as are sealed by the manufacturer shall be marked with the name, initials or

trade-mark of the manufacturer, and designating number, which designating number shall be different for each manufacturer and may be used in identifying the bottles. The designating number and the words "Maine Seal" shall be marked on the outside of the upper half of each bottle. The designating number shall be furnished by the state sealer of weights and measures upon application by the manufacturer, and upon filing by the manufacturer, with the treasurer of state, of a bond payable to the state in the sum of one thousand dollars, with sureties to be approved by the attorney-general, conditioned upon his conforming to the requirements of this section. A record of the bonds furnished, the designing numbers and to whom furnished, shall be kept in the office of the state sealer of weights and measures.

Sec. 22. *Penalty for violation.* Any manufacturer who sells milk or cream bottles to be used in this state that do not comply as to size and markings with the provisions of the two preceding sections, shall forfeit five hundred dollars, to be recovered by the attorney-general in an action upon the bond of such manufacturer. Any dealer who uses for the purpose of selling milk or cream, jars or bottles purchased after the third day of July, nineteen hundred and fifteen, that do not comply with the requirements of this section as to markings and capacity, shall be deemed guilty of using false or insufficient measures.

Sec. 23. *County attorneys shall give aid.* The county attorney for the county in which any violation of the preceding sections has occurred, shall when called upon to do so by the commissioner of agriculture or either of his duly authorized agents or assistants, give all the aid in his power to secure the enforcement thereof, and shall prosecute cases arising thereunder or under other provisions relating to dairy products, substitutes therefor or imitations thereof.

Sec. 24. *Court Jurisdiction.* Trial justices and municipal and police courts shall have original jurisdiction, concurrent with the supreme judicial court and superior courts, of prosecutions for violations of the preceding sections and of all other laws relating to the production, manufacture, transportation,

storage and sale of milk, cream, butter, cheese and all other dairy products, substitutes therefor or imitations thereof.

Sec. 25. *Milk shall be weighed and tested by the Babcock test.* All milk or cream purchased by any person, firm or corporation, for use in or to be resold by any creamery in this state, shall be weighed and shall be tested by the Babcock test to ascertain the amount of butter-fat per pound therein contained; and the value of the cream or milk thus purchased shall be determined by the amount of butter-fat per pound as thus ascertained. The test herein provided shall be made by the owners or operators of the creamery purchasing as aforesaid; but upon petition in writing, signed by twenty-five per cent or more of the patrons of any creamery and addressed to the commissioner of agriculture, or upon petition in writing signed by the owner or operator of any creamery and addressed to said commissioner, one or more tests shall be made by, or under the direction of said commissioner and the finding of said commissioner shall be conclusive upon all parties therein concerned; provided, however, that when the total number of patrons of any one creamery exceeds one hundred then the number of petitioners herein required need not exceed thirty. All samples of cream tested by said test shall be weighed and the standard unit for testing shall be eighteen grams.

Sec. 26. *Penalty for violation.* Any person, firm or corporation, or the servant or agent of any person, firm or corporation, who shall violate the preceding section, shall be punished by fine not exceeding fifty dollars, or by imprisonment not exceeding thirty days.

Sec. 27. *Semi-monthly payment for cream and milk.* Every person, firm or corporation purchasing cream or milk for the purposes of reselling, or of manufacturing the same into other products, shall pay the producer, unless otherwise provided by written contract, semi-monthly; payment shall be made on the first day of each and every month for all cream or milk received prior to the fifteenth day of the preceding month, and payment shall be made on the fifteenth day of each and every month for all cream or milk received prior to the first day of the same month. Whoever violates the provisions of this

section shall be punished by a fine of not less than ten, nor more than fifty dollars.

Sec. 28. *Bottles and glasses used to measure milk or cream shall be tested for accuracy, and marked.* All bottles, pipettes or other measuring glasses used by any person, firm or corporation, or their agents or employees, at any creamery, butter factory, cheese factory, condensed milk factory or elsewhere in this state, in determining by the Babcock test or any other test, the value of milk or cream received from different persons at such creameries, or factories, shall be tested before such use, for accuracy or measurement and for accuracy of the per cent, scale marked thereon. Such bottles, pipettes or measuring glasses shall bear in marks or characters ineffaceable the evidence that such test has been made by the authority named in the following section. No inaccurate bottles, pipettes or other glasses shall bear such marks or characters.

Sec. 29. *Duty of director of Maine agricultural experiment station, to test and mark all bottles, etc.* The director of the Maine agricultural experiment station, or some competent person designated by him, shall test the accuracy of all bottles, pipettes or other measuring glasses used by persons, firms or corporations in the state buying or pooling milk or cream, or apportioning butter or cheese, made from the same, by the contents of butter-fat contained therein. The said director, or the person designated by him, shall mark such bottles, pipettes or other measuring glasses as are found correct, with marks or characters which cannot be erased, and which marks or characters shall stand as proof that they have been so tested. The said director shall receive for such service no more than the actual cost incurred which shall be paid by the persons or corporations for whom it is done.

Sec. 30. *Persons who manipulate test, shall be certified by superintendent of dairy school.* Any person, either for himself or in the employ of any other person, firm or corporation, who manipulates the Babcock test or any other test, whether mechanical or chemical, for the purpose of measuring the contents of butter-fat in milk or cream for a basis of apportioning the value of such milk or cream, or of the butter or cheese made

from the same, shall secure a certificate from the superintendent of the dairy school at the university of Maine that he is competent and well qualified to perform such work. The rules and regulations in the application for such certificate and in the granting of the same shall be such as the superintendent of that school may arrange, and the fee for issuing a certificate shall not exceed one dollar, and shall be paid by the applicant.

Sec. 31. *Penalty for using sulphuric acid of less than required specific gravity; penalty for violations of.* Whoever uses, or has in his possession with intent to use, at any creamery, butter factory, cheese factory or condensed milk factory, any sulphuric acid of less than one and eighty-two hundredths of specific gravity in the process known as the Babcock test or any other test for determining the butter-fat contents of milk or cream, shall be punished by a fine not exceeding twenty-five dollars for the first offense, and for a second offense not exceeding fifty dollars. Any person, firm or corporation, violating the provisions of section twenty-eight, shall be punished by a fine not exceeding fifty dollars for the first offense, and for a second offense not exceeding one hundred dollars; and any person violating section thirty shall be punished by a fine not exceeding ten dollars. Every inspector of milk, sheriff, deputy sheriff and constable shall institute complaint against any person violating said provisions, and one-half of the fines shall go to the complainant and the balance to the state.

Protection of Milk Dealers in the Use of Containers

Sec. 32. *Dealers may file description of name and devices, and publish such description.* All persons and corporations engaged in buying, selling or dealing in milk or cream in cans, jugs, bottles or jars, with their names or other marks or devices, together with the word "Registered," branded, engraved, blown or otherwise produced in a permanent manner in or upon such cans, jugs, bottles or jars, may file in the office of the clerk of the city or town in which their principal place of business is situated, and in the office of the secretary of state, a description of the name or names, mark or marks, device or devices so used by them, and cause such description to be published once

each week for four weeks successively in a newspaper published in the city or town in which said description has been filed aforesaid; if there is no newspaper published in such city or town, then such publication may be made in any newspapers published in the county in which such city or town is situated.

Sec. 33. *Penalty for using any milk can, without consent of owner; possession constitutes prima facie evidence.* Whoever without the consent of the owner takes, detains or uses in his business, sells, disposes of, buys, conceals or traffics in any milk can, jug, bottle or jar, the owner of which has complied with the provisions of the preceding section, shall be punished for the first offense by a fine not exceeding five dollars, or by imprisonment for a term not exceeding sixty days, for each can, jug, bottle or jar so taken, detained or used in his business, sold, disposed of, bought, concealed or trafficked in and for any subsequent offense by a fine not exceeding ten dollars, or by imprisonment for a term not exceeding six months, for each can, jug, bottle or jar so taken, detained or used in his business, sold, disposed of, bought, concealed or trafficked in as aforesaid. Possession by any person in the transaction of his business of any such article the owner of which has complied with the provisions of the preceding section shall constitute prima facie evidence of the unlawful taking, use, detention, possession of or traffic in the same within the meaning of this section.

Sec. 34. *Penalty for defacing or mutilating any can, jug, etc.* Whoever without the consent of any owner who has complied with the provisions of section thirty-two, wilfully destroys, mutilates or defaces any can, jug, bottle or jar bearing such owner's name, mark or device, or wilfully erases, mars, covers or changes any word or mark branded, engraved, blown or otherwise produced, in a permanent manner in or upon any such can, jug, bottle or jar, shall be punished for the first offense by a fine not exceeding five dollars, or by imprisonment for a term not exceeding sixty days, for each can, jug, bottle or jar so destroyed, mutilated or defaced, or for each can, jug, bottle or jar upon which any word or mark has been erased, marred, covered or changed as aforesaid; and for any subsequent offense by a fine not exceeding ten dollars, or by impris-

onment for a term not exceeding six months, for each can, jug, bottle or jar, so destroyed, mutilated or defaced, or for each can, jug, bottle or jar upon which any word or mark has been erased, marred, covered or changed as aforesaid.

Sec. 35. *Unclean containers of milk and cream.* Whoever shall, by himself, or by his servant, or agent, or as a servant or agent of any other person, firm, or corporation, send, ship, return or deliver, or cause, or permit to be sent, shipped, returned, or delivered to any producer of, or dealer in milk and cream, any can, jar, bottle, measure, or other vessel used as a container for milk and cream, containing any offal, swill, kerosene, vegetable matter, rotten or putrid milk, or any other offensive material, shall be punished for the first offense by a fine of not less than one dollar nor more than five dollars for each can, jug, bottle or jar so defiled; and for any subsequent offense by a fine of not less than two dollars nor more than twenty dollars for each can, jug, bottle or jar so defiled.

Sec. 36. *Search warrant may be issued for vessels held in wrongful possession.* Whenever any person or corporation having complied with the provisions of section thirty-two, or the agent of any such person or corporation, shall make oath before the judge of any municipal or police court, or before any trial justice, that he has reason to believe and does believe that any person or corporation has wrongfully in possession, or is secreting any of his or its milk cans, jugs, bottles or jars, marked and described as provided in section thirty-two, said judge or trial justice shall, if satisfied that there is reasonable cause for such belief, issue a search warrant to discover and obtain the same, and may also cause to be brought before him the person or an agent or employee of the corporation in whose possession such cans, jugs, bottles or jars are found, and shall thereupon inquire into the circumstances of such possession; if said judge or trial justice finds that such person or corporation has been guilty of a wilful violation of sections thirty-three, thirty-four or thirty-five, he shall impose the penalty prescribed in the section or sections so violated, and shall also award to the owner possession of the property taken upon such search warrant.

Sec. 37. *Interference with milk inspector. Penalty.* Whoever in any way interferes with a milk inspector of a city or town, or his agent, in the performance of his duties by refusing entrance to a place he is authorized to enter, or access to a receptacle to which he is authorized to have access, or by refusing to deliver to him a sample which he is authorized to take, or in any other way interferes with said inspector or his agent in the performance of his duties, shall be fined not less than ten nor more than fifty dollars, or imprisonment for not less than ten nor more than thirty days.

CHAPTER 132 OF THE PUBLIC LAWS OF 1921.

An Act to Require a Fee for Registration of Milk Dealers.

Each milk dealer when applying for registration as provided for by section five, chapter thirty-seven of the revised statutes, and amendments thereto, shall pay to the commissioner of agriculture a fee of one dollar for each milk depot, vehicle and place from which sales are made. All moneys received by the commissioner of agriculture under this section shall be paid by him to the treasurer of the state, and the same is hereby appropriated for the purposes specified in chapter thirty-seven, and sections two, three, six, seven, eight, nine, ten, eleven and twelve of chapter one hundred and thirty of revised statutes.

CHAPTER 170, PUBLIC LAWS OF 1919

An Act relating to the inspection of creameries, cheese factories, condensaries or receiving stations for milk or cream.

Sec. 1. The commissioner of agriculture, or his deputy, may enter upon the premises of any creamery, cheese factory, condensary or receiving station for milk or cream, and may take possession of any or all samples of milk or cream drawn for the purpose of testing their butter-fat contents, which are on the premises or in the possession of any employee, or may take samples from patrons' deliveries, and then and there test the same. The owner, operator or manager of any creamery, cheese factory, condensary or receiving station for milk or cream shall, if requested by said commissioner or his deputy,

give him full access to all creamery records appertaining to the tests thereof, and said commissioner or his deputy may make transcripts therefrom. The results of the tests made by said commissioner or his deputy may, at the discretion of said commissioner, be communicated to the owner, operator or manager or to any of the patrons of the creamery, cheese factory, condensary or receiving station for milk or cream from which such samples have been taken and tested, or to all of them. The owner, operator or manager of any creamery, cheese factory, condensary or receiving station for milk or cream at which tests, under the provisions of this section, are made by said commissioner or his deputy, may require said commissioner or his deputy to take duplicate sealed sub-samples of all samples thus tested and to promptly forward the same to the Maine agricultural experiment station for further test, in which case no communication of the results of the tests made by said commissioner or his deputy shall be made to the patrons of the creamery, cheese factory, condensary or receiving station for milk or cream, unless the same shall substantially agree with the results of the tests made by said Maine agricultural experiment station, or unless the commissioner is notified by the Maine agricultural experiment station that the samples were received in a condition unfit to analyze. The owner, operator or manager of a creamery, cheese factory, condensary or receiving station for milk or cream, who shall require the taking and forwarding of sub-samples shall pay in advance all the carriage charges thereon and said Maine agricultural experiment station for all tests made under the provisions of this section at the rate of ten cents for each milk sample and fifteen cents for each cream sample. The money thus received shall be used to defray the expenses incurred by said agricultural experiment station in connection with this act, but any balance that may remain after paying said expenses shall be paid by the director of said Maine agricultural experiment station to the state treasurer. Said Maine agricultural experiment station shall report in duplicate to the commissioner of agriculture and to the owner, operator or manager of any creamery, cheese factory, condensary or receiving station for milk or cream, the results of all tests made by it. If samples are received in poor condition said

Maine agricultural experiment station shall not be required to analyze the same, but in such case the advance payments required by this section shall be returned to the party making the same.

Sec. 2. The commissioner of agriculture, or his deputy, may enter the premises of any creamery, cheese factory, condensary or receiving station for milk or cream, and may inspect all apparatus and materials used for making tests for the purpose of determining the accuracy of the same, and for ascertaining whether the provisions of sections twenty-eight, twenty-nine, thirty and thirty-one of chapter thirty-seven of the revised statutes are being complied with. Said commissioner of agriculture may order any testing apparatus to be repaired or may condemn the same or any part thereof or any materials used in making tests, and may give such instructions regarding the making of tests as he deems proper.

Sec. 3. Any owner, operator or manager of a creamery, cheese factory, condensary or receiving station for milk or cream, wherein milk or cream are bought and paid for on the basis of their butter-fat contents, who credits any patron or patrons delivering milk or cream with a greater or less percentage of fat than is actually contained in the milk or cream so delivered, or who shall hinder, impede or obstruct said commissioner of agriculture, or his deputy, in the discharge of his duty under this act, or who shall refuse him access to his testing apparatus or his records of tests, or who shall neglect to follow the instruction given him by said commissioner of agriculture in accordance with the provisions of this act shall be fined not more than one hundred dollars nor less than twenty-five dollars for each offense.

THE LAWS REGULATING THE SALE OF AGRICULTURAL SEEDS, FEEDING STUFFS, FERTILIZERS, DRUGS, FOODS, FUNGICIDES AND INSECTICIDES

The commissioner of agriculture is the chief executive charged with the enforcement of these laws. Rules and regulations that have been made by the commissioner of agriculture, governing the sale of each of these commodities, may be had on application to the commissioner.

CHAPTER 36, REVISED STATUTES

PROTECTION AGAINST ADULTERATED OR MISBRANDED GOODS

Adulterated or Misbranded Goods

Sec. 1. *Sale of certain adulterated articles prohibited.* No person shall, within this state, manufacture, sell, distribute, transport, offer or expose for sale, distribution, or transportation, any article of agricultural seed, commercial feeding stuff, commercial fertilizer, drug, food, fungicide or insecticide which is adulterated or misbranded within the meaning of this chapter.

Sec. 2. *Definitions.* The term "agricultural seed" as used in this chapter shall be held to include the seeds of alfalfa, barley, Canadian blue grass, Kentucky blue grass, broom grass, buckwheat, alsike clover, crimson clover, red clover, medium clover, white clover, field corn, Kaffir corn, meadow fescue, flax, Hungarian, millet, oats, orchard grass, rape, redtop, rye, sorghum, timothy and wheat.

The term "commercial feeding stuff" as used herein shall be held to include all articles of food used for feeding live stock, and poultry, except hays and straws, the whole seeds, and the unmixed meals made directly from the entire grains of wheat, rye, barley, oats, Indian corn, buckwheat, flaxseed and broom corn.

The term "commercial fertilizer" as used herein shall be held to include all materials used for fertilizing purposes, the price of which exceeds ten dollars a ton.

The term "drug" as used herein shall be held to include all medicines and preparations recognized in the United States pharmacopoeia or national formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of man or other animals.

The term "food" as used herein shall be held to include all articles, whether simple, mixed or compound, used for food, drink, confectionery, or condiment by man or other animals.

The term "fungicide" as used herein shall be held to include any substance or mixture of substances intended to be used for preventing, destroying, repelling, or mitigating any and all fungi that may infest vegetation, or be present in any environment whatsoever.

The term "insecticide" as used herein shall include Paris green, lead arsenate, and any substance or mixture of substances intended to be used for preventing, destroying, repelling, or mitigating any insect which may infest vegetation, man or other animals, or houses, or be present in any environment whatsoever.

Sec. 3. *Marking of packages of seed.* Every lot or package of agricultural seed which is sold, distributed, transported, offered or exposed for sale, distribution or transportation for seed, in the state by any dealer in seed, shall have affixed in a conspicuous place on the outside thereof, a plainly written or printed statement clearly and truly giving the name thereof and its minimum percentage of purity and freedom from foreign matter, together with the name and approximate amount of each kind of noxious weed seed contained therein, and also a guarantee of the germinating power of the seed and the date of the test for germination.

Sec. 4. *Marking of packages of commercial feeding stuff.* Every lot or package of commercial feeding stuff, which is manufactured, sold, distributed, transported, offered or exposed for sale, distribution or transportation in the state by any person, shall have affixed in a conspicuous place on the outside thereof, a plainly printed statement, clearly and truly giving the number of net pounds in the package; the name, brand or trade mark under which the article is sold; the name and prin-

cial address of the manufacturer or shipper; a chemical analysis stating the maximum percentage of crude fiber, the minimum percentage of crude fat, and the minimum percentage of crude protein (allowing one per cent of nitrogen to equal six and one-fourth per cent of protein) which it contains, all three constituents to be determined by the methods adopted by the association of official agricultural chemists; if the feeding stuff is a compound feed, the name of each ingredient contained therein; and if artificially colored, the name of the material used for that purpose. If the feeding stuff is sold in bulk or put up in packages belonging to the purchaser, the seller shall upon the request of the purchaser furnish him with a copy of the statements named in this section.

Sec. 5. *Sale and manufacture of commercial feeding stuff, regulated; registration fee.* Any person who shall manufacture, sell, distribute, transport, offer or expose for sale, distribution or transportation, in the state, any commercial feeding stuff shall before so doing file with the commissioner of agriculture for each and every commercial feeding stuff bearing a distinguishing name or trade-mark, a certified copy of the statements required by section four. Said certified copy shall be accompanied when said commissioner shall so request, with a sealed package containing not less than one pound of the commercial feeding stuff. The person who shall file said certificate shall pay annually to the commissioner of agriculture a registration fee of ten dollars, this fee to be assessed on any brand offered for sale, distribution or transportation in the state; provided, however, that a brand of commercial feeding stuff may be registered for the following year without the payment of the fee upon the establishment by the person who paid said fee that the total sales within the state during the year of which said fee was paid did not exceed fifty tons. Whenever any person shall have filed such certificate and paid such registration fee, no other person shall be required to file such statement or pay such fee.

Sec. 6. *Marking of packages of commercial fertilizer.* Every lot or package of commercial fertilizer, which is manufactured, sold, distributed, transported, offered or exposed for sale, distribution or transportation in the state by any person shall have

affixed in a conspicuous place on the outside thereof a plainly printed statement clearly and truly giving the number of net pounds in the package; the name brand or trade-mark under which the fertilizer is sold; the name and principal address of the manufacturer or importer and a chemical analysis stating the minimum percentage of nitrogen, available as plant food, present as nitrates, ammonium salts or organic nitrogen, of potash, soluble in water, of phosphoric acid in available form, soluble and reverted, and of total phosphoric acid, the constituents to be determined by the methods adopted by the association of official agricultural chemists. If the fertilizer is sold in bulk or put up in containers furnished by the purchaser, the seller shall, upon request of the purchaser, furnish the latter with a copy of the statements named in this section.

Sec. 7. Lime, marl or wood-ashes classed as a commercial fertilizer; statement of percentage; fee for certificate. Lime, marl or wood-ashes intended for fertilizing purposes, and without regard to the price at which it is sold or offered for sale, shall be classed as a commercial fertilizer within the meaning of this chapter. All the requirements and penalties relative to commercial fertilizers named in this chapter shall apply to any and every lot of lime, marl or wood-ashes intended for fertilizing purposes. In addition to the requirements of section six the label and certificates shall truly state the minimum and maximum percentage of total lime (calcium oxide), the minimum and maximum percentage of total magnesia (magnesium oxide), the minimum and maximum percentage of lime combined as carbonate (calcium carbonate), and magnesium combined as carbonate (magnesium carbonate) and minimum percentage of lime sulphur (calcium sulphate) in gypsum or land plaster. The person filing the certificate shall annually pay to the commissioner of agriculture a registration fee of ten dollars for each brand of lime intended for fertilizing purposes.

Sec. 8. Sale and manufacture of commercial fertilizer, regulated; registration fee. Any person who shall manufacture, sell, distribute, transport, offer or expose for sale, distribution or transportation in the state any commercial fertilizer shall before so doing file with the commissioner of agriculture for each and every fertilizer bearing a distinguishing name or trade-

mark, a certified copy of the statements named in section six. Said certified copy shall be accompanied when said commissioner shall so request with a sealed package containing not less than two pounds of the commercial fertilizer. The person who shall file said certificate shall pay annually to the commissioner of agriculture a registration fee as follows: Ten dollars each for the nitrogen and the phosphoric acid and five dollars for the potash, contained or said to be contained in the fertilizer, this fee to be assessed on any brand offered for sale, distribution or transportation in the state. Whenever any person shall have filed said certificate and paid said registration fee, no other person shall be required to file such statement or pay such fee.

Sec. 9. *Marking of packages of fungicide.* Every lot or package of a fungicide or an insecticide which is manufactured, sold, distributed, transported, offered or exposed for sale, distribution or transportation in the state by any person, shall have affixed in a conspicuous place on the outside thereof a plainly printed statement clearly and truly stating the number of net pounds in the package, the name or trade-mark under which the article is sold, the name and address of the manufacturer or shipper, and a chemical analysis stating the minimum percentage of total arsenic and the maximum percentage of water-soluble arsenic which it contains, the constituents to be determined by the methods adopted by the association of official agricultural chemists.

Sec. 10. *Manufacture and sale of fungicides, etc., regulated; registration fee.* Any person who shall manufacture, sell, distribute, transport, offer or expose for sale, distribution or transportation in the state any fungicide or insecticide shall before so doing file with the commissioner of agriculture for each and every fungicide or insecticide bearing a distinguishing name or trade-mark, a certified copy of the statements made in accordance with the preceding section. Said certified copy shall be accompanied when said commissioner of agriculture shall so request with a sealed package containing not less than one pound of the fungicide or insecticide. The person filing such certificate shall pay annually to the commissioner of agriculture a registration fee of ten dollars, this fee to be assessed on any

brand offered for sale, distribution or transportation in the state, except that said fee shall not be assessed for registration of a fungicide or insecticide consisting of organic matter and not containing any added inorganic matter or mineral chemical, provided that a complete chemical analysis of said fungicide or insecticide is given in, and as part of, the certificate required under this section. Whenever any person shall have filed said certificate and paid said registration fee, no other person shall be required to file such statement or pay such fee.

Sec. 11. *Registration may be refused when name or trade-mark is misleading.* The commissioner of agriculture may refuse to register any commercial feeding stuff or commercial fertilizer, bearing a name, brand or trade-mark which is misleading or deceptive or which would tend to mislead or deceive as to materials of which it is composed, and in the case of commercial feeding stuff when the specific names of each and all of the ingredients used in its manufacture are not stated. He may also cancel the registration of any feeding stuff, commercial fertilizer, fungicide or insecticide that he deems to be manufactured, sold, distributed, transported, offered or exposed for sale, distribution or transportation in violation of any of the provisions of this chapter. The registration of each brand of commercial feeding stuff, commercial fertilizer, fungicide or insecticide shall terminate on the thirty-first day of December of each year.

Sec. 12. *When goods shall be deemed to be adulterated.* For the purpose of this chapter an article shall be deemed to be adulterated:

In case of *agricultural seed*:

First. If its purity falls below its accompanying guaranty.

Second. If it contains the seed of any poisonous plant, or any kind or amount of weed seed other than the kinds or amounts represented in the statement required by section three of this chapter.

Third. If it, upon test of germination made within six months of the date of test in statement under the provisions of section three herein above, does not show the same germinating power given in said statement prescribed by the provisions of said section three. Provided said seed has been constantly

kept under conditions not injurious to its germinating qualities, and that a margin of tolerance of five per cent, shall be allowed. Provided, also, that in the event of violation of this act in relation to seeds, the commissioner of agriculture shall proceed according to the provisions of sections thirty-six and thirty-seven of the chapter.

In case of *commercial feeding stuffs*:

First. If its weight, composition, quality, strength or purity do not conform in each particular to the claims made upon the affixed guaranty.

Second. If it be colored, coated, or stained in a manner whereby damage or inferiority is concealed.

Third. If it contains any poisonous or deleterious ingredients which may render such article injurious to the health of live stock or poultry.

Fourth. If any milling or manufactured offals or any foreign substance whatever have been added to any whole or ground grain or other commercial feeding stuff, unless the true composition, mixture or adulteration is plainly marked or indicated upon the container thereof.

In case of *commercial fertilizers*:

First. If its weight, composition, quality, strength or purity do not conform in each particular to the claims made upon the affixed guaranty.

Second. If it contains any material deleterious to growing plants.

Third. If it is found to contain any pulverized leather, hair, ground hoofs, horns, wool waste, peat, garbage tankage, cyanamid, or any nitrogenous ingredients derived from any inert material whatsoever, unless the same has been so treated as to be available as plant food as determined by the methods adopted by the association of official agricultural chemists, without an explicit printed statement of the fact, conspicuously affixed to the package of such fertilizer and accompanying and going with every lot or package of the same, in which fertilizer the above named materials aid in making up the required or guaranteed analysis.

In case of a *drug*:

First. If, when a drug is sold under or by a name recognized in the United States pharmacopoeia, or national formulary it

differs from the standard of strength, quality, or purity, as laid down in the United States pharmacopoeia, or national formulary official at the time of investigation, or as fixed by the commissioner of agriculture: provided, that no drug defined in the United States pharmacopoeia, the national formulary or by said commissioner shall be deemed to be adulterated under this provision if the standard of strength, quality, or purity be plainly stated, so as to be understood by the non-professional person, upon the bottle, box or other container thereof, although the standard may differ from that laid down in the United States pharmacopoeia, national formulary, or that fixed by said commissioner.

Second. If its strength or purity differs from the professed standard or quality under which it is sold.

In case of *confectionary*:

If it contains terra alba, barytes, talc, chrome yellow, or other mineral substances, or poisonous color or flavor, or other ingredients deleterious or detrimental to health, or any vinous, malt, or spirituous liquor or compound, or narcotic drug.

In case of *food*:

First. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second. If any substance has been substituted wholly or in part for the article.

Third. If any valuable constituents of the article have been wholly or in part abstracted.

Fourth. If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed.

Fifth. If it contain any poisonous or other added deleterious ingredient which may render such article injurious to health.

Sixth. If it consists in whole or in part of a filthy, decomposed or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

Seventh. If in the manufacture, sale, distribution, transportation, or in the offering or exposing for sale, distribution or transportation, it is not at all times securely protected from

filth, flies, dust or other contamination, or other unclean, unhealthful or unsanitary conditions.

Eighth. If it does not conform to the standards of strength, quality and purity, now or hereafter to be established by statute or fixed by the commissioner of agriculture: Provided, that no food except clams, oysters and scallops shall be deemed to be adulterated under this provision if the standard of strength, quality or purity be plainly stated, so as to be understood by the non-professional person, upon the container thereof, although the standard may differ from that established by statute or fixed by said commissioner.

Ninth. If its strength or quality or purity fall below the professed standard or quality under which it is sold.

In case of *fungicide or insecticide*:

In the case of *Paris green*:

First. If it does not contain at least fifty per centum of arsenious oxide (As_2O_3).

Second. If it contains arsenic in water-soluble forms equivalent to more than three and one-half per centum of arsenious oxide (As_2O_3).

Third. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

In the case of *lead arsenate*:

First. If it contains more than fifty per centum of water.

Second. If it contains total arsenic equivalent to less than twelve and one-half per centum of arsenic oxide (As_2O_3).

Third. If it contains arsenic in water-soluble forms equivalent to more than seventy-five one-hundredths per centum of arsenic oxide (As_2O_3).

Fourth. If any substances have been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength: provided, however that extra water may be added to lead arsenate if the resulting mixture is labeled lead arsenate and water, the percentage of extra water being plainly and correctly stated on the label.

In the case of *fungicide or insecticide other than Paris green and lead arsenate*:

First. If its strength or purity fall below the professed standard or quality under which it is sold.

Second. If any substance has been substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it is intended for use on vegetation and shall contain any substance or substances injurious to such vegetation.

Sec. 13. *Term "misbranded" defined.* The term "misbranded" as used herein, shall apply to all articles of agricultural seed, commercial feeding stuff, commercial fertilizer, drug, food, fungicide and insecticide, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, or which is falsely branded in any particular.

For the purpose of this chapter an article shall also be deemed to be misbranded:

In case of *agricultural seed*:

If any lot or package fail to bear all the statements required by section three.

In case of *commercial feeding stuff*:

First. If any package fails to bear all of the statements required by section four.

Second. If the printed statements required by section four to be affixed to the package differ from the statements required by section five.

Third. If any brand is manufactured, transported, distributed, sold, offered or exposed for sale, distribution, or transportation upon which the registration fee required by section five has not been paid.

In case of *commercial fertilizer*:

First. If any package fail to bear all the statements required by section six.

Second. If the contents of the package as originally put up be affixed to the package differ from the statement required by section eight.

Third. If any brand is manufactured, distributed, transported, sold, offered or exposed for sale, distribution, or trans-

portation upon which the registration fee required by section eight has not been paid.

In case of a *drug*:

First. If it be an imitation of or offered for sale under the name of another article.

Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or, except in the case of a physician's prescription compounded by a physician or a registered pharmacist, if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, herein, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate or acetanilide or any derivative or any preparation of any such substances contained therein.

In case of *food*:

First If it be an imitation of or offered for sale under the distinctive name of another article.

Second. If the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of each and any added coloring matter, preservative, chemical or drug contained therein.

Third. If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular:

Provided, that an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Second. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are compounds, imitations, or blends, and the word "compound," "imitation," or "blend," as the case may be, is plainly stated on the package in which it is offered for sale: provided, that the term "blend" as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only, and whose presence is declared upon the label; provided further, that nothing in this chapter shall be construed as requiring or compelling proprietors or manufacturers of proprietary goods which contain no unwholesome added ingredient to disclose their trade formulas except in so far as the provisions of this chapter may require to secure freedom from adulteration or misbranding.

In case of fungicide and insecticide:

First. If any lot or package fail to bear all the statements required by section nine.

Second. If the printed statements required by section nine to be affixed to the lot or package differ from the statements required by section ten.

Third. If any brand is manufactured, transported, distributed, sold or offered or exposed for sale, distribution or transportation upon which the registration fee required by section ten has not been paid.

Fourth. If it be an imitation of or offered for sale under the name of another article.

Fifth. If it be labeled or branded so as to deceive or mislead the purchaser, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such packages.

Sixth. If it consists partially or completely of an inert substance or substances which do not prevent, destroy, repel, or mitigate insects or fungi and does not have the percentage amount of such inert ingredient plainly and correctly stated on the label.

Sec. 14. *Misbranding of food in package form.* For the purpose of this chapter an article of food in package form if sold at a greater price than five cents, shall also be deemed to be misbranded if the quantity of the contents be not plainly and

conspicuously marked on the outside of the package in terms of weight, measure, or numerical count; provided, however, that reasonable variations shall be permitted, and tolerances shall be established by rules and regulations made in accordance with section thirty-five. And further provided that the penalties of this chapter shall not be enforced on account of sale of food not branded in terms of weight, measure, and numerical count, purchased prior to September third, nineteen hundred and fourteen.

ANALYSES

Sec. 15. *Annual analysis; results of analyses to be published.* The director of the Maine agricultural experiment station shall annually analyze, or cause to be analyzed, samples of articles of agricultural seed, commercial feeding stuff, commercial fertilizer, drug, food, fungicide and insecticide, at such time and to such extent as the commissioner of agriculture may determine. And said commissioner, in person or by deputy, shall have free access, ingress and egress at all reasonable hours to any place or any building wherein articles of agricultural seed, commercial feeding stuff, commercial fertilizer, drug, food, fungicide or insecticide are manufactured, stored, transported, sold, offered or exposed for sale. He may also, in person or by deputy, open any case, package or other container, and may, upon tendering the market price take samples for analysis. The results of all analyses of articles of agricultural seed, commercial feeding stuff, commercial fertilizer, drug, food, fungicide and insecticide made by said director shall be published by him in the bulletins or reports of the experiment stations, together with the names of the persons from whom the samples were obtained, the names of the manufacturers thereof and such additional information as to him may seem advisable.

Sec. 16. *Samples of commercial fertilizer may be analyzed.* Any person within the the state may send to the commissioner of agriculture samples of commercial fertilizers sold or offered for sale within the state for the purpose of analysis under the following conditions: Said samples shall be taken in the presence of a witness from not less than five packages of properly

stored commercial fertilizer in accordance with directions to be furnished by said commissioner; a copy of all marks upon or affixed to the package, including the brand or trade-mark, the name of the manufacturer and the guaranteed chemical analysis, shall accompany the sample or be deposited with the secretary of the grange or the selectmen of the town where the sample is taken.

Sec. 17. *Analysis and fees.* On receipt of a sample of commercial fertilizer accompanied with (1) a certified statement signed by the witness that the sample was taken as provided in the preceding section, (2) a copy of the marks on or affixed to the package from which the sample was procured or a signed statement from the secretary of a grange or a selectman that the copy of the marks upon the package has been deposited with him, and (3) an analysis fee of ten dollars for each sample, the commissioner of agriculture shall make or cause to be made an analysis of the fertilizer and shall forthwith report the results of said analysis to the sender.

Sec. 18. *When analysis shall be deemed of public importance, fees shall be returned.* If on receipt of the copy of the mark upon the package from which the sample of commercial fertilizer was taken, it shall be found that not more than one sample of the same brand has been analyzed by said commissioner within the year, or if the actual analysis shall differ materially from the guaranteed analysis, the analysis made by said director shall be deemed to be of public importance, and the analysis fee shall be returned to the person who sent the sample. If the actual analysis agrees reasonably with the guaranteed analysis and more than one sample of the brand from which said sample was taken shall have been examined within the year, said commissioner shall pay said analysis fee to the treasurer of state.

Sec. 19. *Analysis of Commodities.* The commissioner of agriculture shall have all analyses of commodities, except milk and cream, examined under the inspection laws of which he is the executive made at the Maine agricultural experiment station. The director of said station shall analyze or cause to be analyzed all samples submitted to him by said commissioner. Said sta-

tion shall be compensated to cover the expense of said analyses by said commissioner.

Sec. 20. *Certificates signed by director, presumptive evidence.* Every certificate duly signed and acknowledged by the director of the Maine agricultural experiment station, relating to the collection and analysis of any sample of agricultural seed, commercial feeding stuff, commercial fertilizer, drug, food, fungicide or insecticide, shall be presumptive evidence of the facts therein stated.

Sec. 21. *Penalty for adulterating or misbranding.* Any person who adulterates or misbrands within the meaning of this chapter, any article of agricultural seed, commercial feeding stuff, commercial fertilizer, drug, food, fungicide or insecticide, or any person who manufactures, sells, distributes, transports, offers or exposes for sale, distribution or transportation any article of agricultural seed, commercial feeding stuff, commercial fertilizer, drug, food, fungicide or insecticide in violation of any provisions of this chapter, shall be punished by a fine not exceeding one hundred dollars for the first offense, and by a fine not exceeding two hundred dollars for each subsequent offense.

Sec. 22. *Exemption from prosecution.* No person shall be prosecuted under the provisions of the preceding sections of this chapter when he can establish proof of purchase, and a guaranty signed by the person residing in the United States, from whom the purchase was made, to the effect that the article in question is not adulterated or misbranded within the meaning hereof.

Sec. 23. *Packing of food in tin or glass regulated; permit; packer shall pay for inspection of product.* Any person intending to pack food in tin or glass within this state may annually file with the commissioner of agriculture an application for a permit. Said application shall state the location of the factory, the kind of food to be packed, the name of the packer and the date of which it is expected that packing will begin. Within sixty days after the filing of such application for permit, the commissioner shall, upon receipt of one hundred dollars, issue to such applicant a permit for packing said food in conformity with the requirements of this chapter for the calendar year.

Such packer shall also pay monthly, not later than the tenth day of each month, the cost of maintaining the inspection of the food packed during the previous month. The one hundred dollars paid by a person for a permit, as aforesaid, shall be credited to him, at the close of the calendar year, as a payment toward the cost of inspecting his product. Said commissioner may, however, cancel any permit whenever the provisions of this chapter have not been complied with.

Sec. 24. *Commissioner of agriculture shall see that food is packed in conformity with law; penalty for false marking.* The commissioner of agriculture shall, by adequate inspection, see that the food packed hereunder is in conformity with the requirements of this chapter; and he shall authorize the persons packing a food in conformity herewith to mark the container of said food with a statement certifying that the food contained therein was packed, inspected and passed under the Maine pure food and drug law. Whoever shall falsely mark any container as having been packed in conformity with the requirements of this chapter shall be punished by a fine not exceeding five hundred dollars for each container thus falsely marked.

CHAPTER 133 OF THE PUBLIC LAWS OF 1921

An Act Relating to the Wrapping of Bread

Sec. 1. No person, firm or corporation shall distribute, transport, or sell for distribution or transportation any bread, in loaf form, which is not properly enclosed in a sanitary wrapper.

Sec. 2. Any person, firm or corporation who violates any provisions of this act shall be punished by a fine of not more than one hundred dollars for the first offense and by a fine of not more than two hundred dollars for each subsequent offense.

Sec. 3. Municipal and police courts and trial justices shall have jurisdiction of the above offenses.

CHAPTER 130, REVISED STATUTES

OFFENSES AGAINST THE PUBLIC HEALTH, SAFETY AND POLICY

Unwholesome Provisions and Drinks

Sec. 1. *Corrupting water used for domestic or other uses.* Whoever knowingly and wilfully poisons, defiles or in any way

corrupts the waters of any well, spring, brook, lake, pond, river or reservoir, used for domestic purposes for man or beast, or knowingly corrupts the sources of any public water supply, or the tributaries of said sources of supply in such manner as to affect the purity of the water so supplied, or knowingly defiles such water in any manner, whether the same be frozen or not, or puts the carcass of any dead animal or other offensive material in said waters, or upon the ice thereof, shall be punished by a fine not exceeding five thousand dollars, or by imprisonment for any term of years.

Diseased Meat or Milk

Sec. 2. *Holding any diseased meat or milk, for human food.* Whoever, having charge of any animal, or meat or milk of any animal affected with tuberculosis or other contagious or infectious disease, knowing that the animal is thus affected, shall hold the animal, or its meat or milk, for human food, shall be punished by a fine of not less than five, nor more than fifty dollars.

Impure or Adulterated Milk

Sec. 3. *Sale of impure or adulterated milk or cream, forbidden; standard milk; skimmed milk excepted.* Whoever by himself, clerk, servant or agent, sells, exchanges or delivers, or has in his custody or possession with intent to sell, exchange or deliver, or exposes or offers for sale or exchange milk which is not of good standard quality, adulterated milk or milk to which water or any foreign substance has been added, or milk produced from sick or diseased cows, or milk in or from cans or other utensils that are not in a clean or sanitary condition, or as pure milk, milk from which the cream or a part thereof has been removed; and whoever by himself, clerk, servant or agent, sells, exchanges or delivers, or has in his custody with intent to sell, exchange or deliver, cream containing less than eighteen per cent of milk fat, shall for the first offense be punished by a fine not exceeding fifty dollars, for a second offense by a fine of not less than fifty, nor more than one hun-

dred dollars and for a subsequent offense by a fine of one hundred dollars and by imprisonment for not less than thirty, nor more than sixty days. And in prosecutions hereunder milk, which upon analysis is shown to contain less than eleven and seventy-five hundredths per cent of milk solids or less than three and twenty-five hundredths per cent of fat shall not be considered milk of good standard quality. Nothing in this section shall be construed to prohibit the sale of skimmed milk as such.

Sec. 4. *Sale of unwholesome provisions or drinks; killing for sale, or selling meat of calves killed when less than four weeks old.* Whoever sells diseased, corrupted or unwholesome provision for food or drink, knowing it to be such, or fraudulently adulterates for the purpose of sale, any substance intended for food, or any wine, spirits or other liquors intended for drink, so as to render them injurious to health, shall be punished by imprisonment for not more than five years, or by fine not exceeding one thousand dollars; and whoever kills or causes to be killed for the purpose of sale, any calf less than four weeks old, or knowingly sells or has in his possession with intent to sell for food, the meat of any calf killed when less than four weeks old, shall be punished by imprisonment in the jail or house of correction, not exceeding thirty days, or by fine not exceeding fifty dollars; and all such meat exposed for sale, or kept with intent to sell, may be seized and destroyed by any board of health or health officer, or any sheriff, deputy sheriff, constable or police officer.

Sec. 5. *Warrants may be issued to search for such veal.* When complaint is made on oath to any court or justice authorized to issue warrants in criminal cases, that meat of calves killed when less than four weeks old, is kept or concealed with intent to sell the same for purposes of food, such magistrate, when satisfied that there is reasonable cause for such belief, may issue a warrant to search therefor.

Imitation Dairy Products.

Sec. 6. *Imitations of butter or cheese not to be manufactured or sold.* No person shall manufacture, sell, expose for

sale or have in his possession with intent to sell, or take orders for the future delivery of any article, substance or compound made in imitation of yellow butter or cheese, and not made exclusively and wholly of cream or milk, or containing any fats, oil or grease not produced from milk or cream, whether said articles, substance or compound be named oleomargarine, butterine, or otherwise named.

Sec. 7. *Oleomargarine.* No person shall by himself, his clerk, servant or agent, furnish oleomargarine in any hotel, restaurant or boarding-house, or at any lunch counter, to a guest or patron thereof, instead of butter, without notifying said guest or patron that the substance so furnished is not butter.

Sec. 8. *Imitations not to be sold.* No person shall sell or offer for sale to any person who asks, sends or inquires for butter or cheese, any substance or compound made in imitation of butter or cheese.

Sec. 9. *Renovated butter shall be labeled as such.* No person shall sell, offer or expose for sale any renovated butter, unless the words "renovated butter" shall be conspicuously and plainly stamped, labeled or marked, so that said words cannot be easily defaced, upon the top and side of every tub, firkin, box or package containing said article or compound. The seller at retail of said article or compound, which is not in the original package, shall attach to each package so sold and delivered therewith to the purchaser a label or wrapper bearing in a conspicuous place upon the outside of the package the words "renovated butter."

Sec. 10. *Penalty for violation of four preceding sections.* Whoever violates any provisions of the four preceding sections shall be punished for the first offense by a fine not exceeding one hundred dollars and for the second offense by a fine not exceeding two hundred dollars.

Sec. 11. *Duty of officers to make complaints; suspected articles to be analyzed.* Every inspector of milk, sheriff, deputy sheriff or constable shall institute complaint for violations of sections six to nine, both inclusive, whenever he has reasonable cause for suspicion, and on the information of any person who shall lay before him satisfactory evidence of the same. Said

inspector or officer shall take specimens of suspected butter or cheese and cause the same to be analyzed or otherwise satisfactorily tested. The expense of such analysis or test, not exceeding twenty dollars in any one case, may be included in the costs of prosecution, and taxed and allowed to the officer paying the same.

Sec. 12. *Butter and cheese, defined.* For the purposes of this chapter, the terms "butter" and "cheese," mean the products usually known by those names, and which are manufactured exclusively from milk or cream or both, with salt and rennet, and with or without coloring matter.

Sec. 13. *Selling preserved eggs, without notice to purchaser, prohibited.* Whoever, by himself or his agent, sells or offers for sale eggs that have been in cold storage or limed, or that have been preserved in any manner and are not what is usually denominated fresh eggs, without notice to the purchaser or purchasers, knowingly and with intent to deceive, shall be punished by imprisonment not exceeding thirty days, or by fine not exceeding one hundred dollars.

Sec. 14. *Swelling of scallop meats prohibited.* No person shall swell or expand scallop meats, by the use of fresh water, baking-soda, or by any other artificial means. Whoever violates this section shall be punished by a fine of five dollars for each gallon of scallops so treated. Municipal and police courts and trial justices shall have jurisdiction of prosecutions for offenses under this section.

PROVISIONS FOR ENFORCEMENT

Sec. 35. *Uniform rules and regulations and standards of purity.* The commissioner of agriculture shall make uniform rules and regulations for carrying out the provisions of this chapter. He may also fix standards of purity, quality or strength when such standards are not specified or fixed by law, and shall publish them together with such other information concerning articles of agricultural seed, commercial feeding stuff, commercial fertilizer, drug, food, fungicide and insecticide as he may deem to be of public benefit.

Sec. 36. *Hearing in case of violation.* When the commissioner of agriculture becomes cognizant of the violation of any

provision of this chapter, he shall cause notice of such fact stating the date, hour and place of hearing, with a copy of the findings, or, in case of a packer of food, a copy of the charge to be preferred, to be given to the person concerned and the person from whom the sample was obtained, and the person whose name appears upon the label, (if a resident of the state), who shall be given an opportunity to be heard under such rules and regulations as may be prescribed by the commissioner. When the hearing relates to the packing of apples, it shall be held in the county where the inspection was made.

Sec. 37. *Enforcement of laws by commissioner.* The commissioner of agriculture shall diligently enforce all provisions of this chapter, and shall be entitled to, and shall receive the assistance of the attorney-general and of the several county attorneys. He may recover the penalties imposed for violations of this chapter in an action of debt brought in his own name, the venue to be as in other civil cases, and if he prevails in any such action, shall recover full costs; or he may prosecute for violations hereof by complaint or indictment, and such prosecution shall be commenced in the county in which the offense was committed.

Sec. 38. *Appointment of deputies.* He may, with the approval of the governor and council, appoint, and fix the compensation of, a chief deputy and such other deputies as in his judgment are required to assist him, and to enable him to carry out the provisions of all laws, the execution of which is entrusted to him. The chief deputy shall hold office during good behavior, and such other deputies during the pleasure of the commissioner; their compensation and expenses shall be paid from any funds appropriated for the use of the commissioner in the execution of said laws.

Sec. 39. *Rules of construction.* The word "person" as used in this chapter shall be construed to import both the singular and the plural, as the case demands, and shall include corporations, companies, societies and associations. When construing and enforcing the provisions of this chapter, the act, omission or failure of any officer, agent or other person acting for or empowered by any corporation, company, society or association, within the scope of his employment or office, shall in every case

be also deemed to be the act, omission or failure of such corporation, company, society or association as well as that of the person.

Sec. 40. *Jurisdiction; disposal of funds.* Municipal and police courts and trial justices shall have original jurisdiction, concurrent with the supreme judicial court and superior courts, of actions brought for the recovery of penalties imposed by this chapter, and of prosecutions for violations hereof. All fines received under this chapter by county treasurers shall be paid by them to the commissioner of agriculture; and all money received by the commissioner of agriculture under this chapter shall be paid by him to the treasurer of state, and the same is hereby appropriated for the purposes of this chapter.

WEIGHTS AND MEASURES

CHAPTER 48, REVISED STATUTES

State Sealer of Weights and Measures

Section 1. The commissioner of agriculture shall be the state sealer of weights and measures.

The standard weights and measures furnished by the government of the United States in accordance with the joint resolution of Congress approved June fourteenth, eighteen hundred and thirty-six, and any additions thereto and renewals thereof certified to by the United States bureau of standards, and weights, measures, balances and apparatus added by the state sealer of weights and measures and verified by the United States bureau of standards, shall be the standards of weights and measures throughout this state.

Section 2. The standards adopted by the state shall be kept at the state house under the supervision of the state sealer and shall not be removed or used except for the adjustment of a set of working standards that are copies of the original standards or for scientific purposes or to be verified by the national bureau of standards. The state sealer shall maintain the state standards in good order and shall submit them at least once in

ten years to the national bureau of standards for certification. He shall at least once in five years cause the standards of the several cities and towns to be compared and corrected to conform with the state standards.

Section 3. The state sealer of weights and measures shall after consultation with, and with the advice of, the national bureau of standards, establish tolerances for use in this state and said tolerances shall be the legal tolerances of the state. He shall have general supervision of the weights and measures, and weighing and measuring devices of the cities and towns of the state, and cause the enforcement of all laws pertaining to weights and measures in use in the state and may appoint such agents as he desires to assist in the enforcement.

Section 4. [As amended by P. L. 1919, c. 6.] He shall enforce the provisions of law requiring municipal officers to procure and maintain standards of weights and measures, and the appointing of a sealer of weights and measures. He may appoint a deputy who shall have the authority conferred by the two following sections, and may appoint inspectors with authority to perform any part or all of the duties provided in sections five and six.

Section 5. He, or his duly appointed deputy, shall visit the various cities and towns in the state in order to inspect the work of the local sealers, and may at all times inspect and test the weights, measures and balances of any person, firm, association or corporation used, or to be used, in purchasing from or selling to the public any goods, wares, merchandise or other commodities; if any such weights, measures or balances are found to be inaccurate or defective, he shall forthwith cause the same to be corrected or condemned.

Section 6. He, or his duly appointed deputy, may at irregular intervals, examine commodities sold or offered for sale and test them for correct weight, measure or count, and bring complaint for violations of sections eight to twenty-five, both inclusive, of this chapter. He, or his duly appointed deputy, may for the purpose stated above, and in the general performance of his or their official duties, have access without formal warrant to any stand, place, building or premises, or may stop

any vendor, peddler, junk dealer, coal wagon, ice wagon, or any person for the purpose of making the proper tests.

Section 7. He shall keep a record in detail of the work of his office and shall annually, on or before the first day of December, make a written report of the work and the expenses of his office to the governor and council.

Local Sealers of Weights and Measures

Section 8. [As amended by P. L. 1917, c. 61.] The municipal officers of each town shall elect a sealer of weights and measures, also a deputy sealer if necessary, not necessarily a resident therein, and said sealer and deputy shall hold office during their efficiency and the faithful performance of their duties and shall be removed by said officers only for neglect of duty. The state sealer of weights and measures shall have jurisdiction over said sealer or deputy sealer, and any vacancy caused by death or resignation shall be filled by election by said municipal officers within thirty days; for each month that said municipal officers neglect their duty they severally shall forfeit ten dollars. Within ten days after each such election the clerk of each city or town shall communicate the name of the person so elected to the state sealer of weights and measures, and for neglect of this duty shall forfeit ten dollars. Such sealer of weights and measures in any town may be sealer for several towns if such is the pleasure of the municipal officers therein, provided such action received the approval of the state sealer of weights and measures.

Section 9. The treasurers of each town, at the expense thereof, or jointly with the treasurers of adjacent towns, shall constantly keep as town standards a set of beams and weights and measures subject to the approval of the state sealer and conformable to the state standards. Said treasurers shall cause all beams and weights and measures belonging to their towns to be proved and sealed by the state standards once in five years, beginning the first day of January, nineteen hundred thirteen, and for every neglect of said duty they forfeit one hundred dollars.

Section 10. Any city may purchase and keep for use scales for weighing hay and other articles, appoint weighers and fix their fees, to be paid by the purchaser. The municipal officers of cities and towns may appoint a deputy sealer of weights and measures to hold office during their pleasure and fix his compensation. Such deputy shall act under the direction of the sealer of weights and measures in the municipality, and shall have the same authority as the sealer in the performance of his duties.

Section 11. The several city and town sealers and other persons authorized to inspect weights and measures shall keep records of all weights and measures, balances and measuring devices inspected, sealed or condemned by them, giving the name of the owner or agent, the place of business, the date of inspection and kind of apparatus so inspected, sealed or condemned. He shall make an annual report, duly sworn to, on or before the first day of November of each year, to the state sealer, giving in addition to the above an inventory of the standards and apparatus in his possession, and such other information as he may deem important, or as the state sealer may require.

Section 12. The person appointed, as provided in section eight, shall receive the standards and seal from the treasurer, giving a receipt therefor, describing them and their condition, and therein engaging to redeliver them at the expiration of his office in like good order; and he shall be accountable for their due preservation while in his possession. For every neglect of any duty prescribed by this chapter he shall forfeit ten dollars.

Section 13. The sealers of weights and measures in the several cities and towns shall annually give public notice by advertisement, or by posting in one or more public places in their respective cities and towns, notices to all inhabitants or persons having usual places of business therein and who use weights, measures or balances for the purpose of selling any goods, wares, merchandise or other commodities or for public weighing to bring in their weights, measures and balances to be adjusted and sealed. Such sealers shall attend in one or more convenient places and shall adjust, seal and record all weights, measures and balances so brought in.

Section 14. After giving said notice the said sealers shall go to the houses, stores and shops of persons who neglect to comply therewith, and having entered the same with the assent of the occupants thereof, shall adjust and seal their weights, measures and balances.

Section 15. Said sealers shall go once a year and oftener if necessary, to every hay and coal scale, to every platform balance within their respective cities and towns that cannot be easily or conveniently removed, and shall test the accuracy of and adjust and seal the same.

Section 16. All persons using any scales, weights or measures for the purpose of buying or selling any commodity, may, when they desire it, have the same tested and sealed by the sealers of weights and measures at the office of any of said sealers.

Section 17. In case a sealer of weights and measures cannot seal any weights, measures and balances in the manner before provided, he may mark them with a stencil, or by other suitable means so as to show that they have been inspected; but he shall in no case seal or mark as correct any weights, measures or balances which do not conform to the standards. If such weights, measures or balances can be readily adjusted by such means as he has at hand, he may adjust and seal them; but if they cannot be readily adjusted, he shall affix to such weights, measures or balances a notice, forbidding their use until he is satisfied that they have been so adjusted as to conform to the standards; and whoever removes said notice without consent of the officer affixing the same, shall for each offense forfeit a sum not less than ten dollars and not exceeding fifty dollars.

Section 18. A sealer when visiting the place of business of any person for the purpose of testing any weights, measures or balances, may use for that purpose such weights, measures or balances as he can conveniently carry with him, and each city and town shall furnish its sealer with one or more duplicate sets of weights, measures and balances, which shall at all times be kept to conform to the standards furnished by the state, and all weights, measures and balances so sealed shall be deemed to be legally sealed the same as if tested and sealed with the standard weights, measures and balances.

Section 19. A sealer of weights and measures may seize without a warrant such weights, measures or balances as may be necessary to be used as evidence in cases of violation of the law relating to the sealing of weights and measures, such weights, measures or balances to be returned to the owners, or forfeited as the court may direct.

Section 20. When a complaint is made to a sealer of weights and measures by any person that he has reasonable cause to believe or when such sealer himself has reasonable cause to believe that a weight, measure or balance used in the sale of any commodity within his city or town is incorrect, the said sealer shall go to the place where such weight, measure or balance is and shall test the same, and mark it according to the result of the test applied thereto; and if the same is incorrect and cannot be adjusted, the said sealer shall attach a notice thereto, certifying that fact, and forbidding the use thereof until it has been made to conform to the authorized standard. Any person using a weight, measure or balance after a sealer has demanded permission to test the same, and has been refused such permission, shall be liable to a penalty of not less than ten, nor more than one hundred dollars.

Section 21. All weights, measures and balances that cannot be made to conform to the standard shall be stamped "condemned" or "CD" by the sealer, and no person shall thereafter use the same under the penalties provided in the case of the use of false weights and measures.

Section 22. Before any weights, measures, scales, steelyards, beams or balances are used, they shall be sealed by a public sealer of weights and measures.

Section 23. Such articles as are sold or exchanged in any market or town in the state by gross or avoirdupois weight, shall be sold or exchanged as follows: twenty-five avoirdupois pounds constitute one quarter; four quarters one hundred; and twenty hundreds, one ton; and all other articles, usually sold by tale, shall be sold by decimal hundred.

Section 24. [As amended by P. L. 1917, c. 207.] Whoever by himself, or by his servant, or as the agent or servant of another, shall use or retain in his possession any false scales, weight or measure or weighing or measuring device in the buy-

ing or selling of any commodity or thing, or whoever after a weight, measure, scale, balance or beam has been adjusted and sealed, shall alter it so that it does not conform to the public standard and shall fraudulently make use of it, or whoever shall dispose of any condemned scales, weight, measure, or weighing or measuring device, contrary to law, or remove any tag, stamp or mark placed thereon by the sealer; or whoever by himself, or by his agent or servant, or as agent or servant of another shall sell, offer or expose for sale less than the quantity he represents, or whoever by himself, or by his agent or servant, or as the agent or servant of another, shall sell, offer for sale, or have in his possession for the purpose of selling, any false scales, weight or measures, or any device or instrument to be used or calculated to falsify any weight or measure, shall be guilty of a misdemeanor and shall for the first offense be punished by a fine of not more than fifty dollars; for the second offense by a fine of not less than twenty, nor more than two hundred dollars and for any subsequent offense by a fine of fifty dollars and by imprisonment for not less than thirty, nor more than ninety days. The possession or use by any person of any false weight, measure or other apparatus for determining the quantity of any commodity or article of merchandise is presumptive evidence of knowledge by such person of the falsity of such weight, measure or other apparatus. Every sealer of weights and measures who has reasonable cause to believe that a weight, measure, scale, balance or beam has been altered since it was last adjusted and sealed shall enter the premises in which it is kept or used and shall examine the same. A sealer, or his duly appointed deputy may examine commodities sold or offered for sale and test them for correct weight, measure or count, and bring complaint for violations of sections eight to twenty-five, both inclusive, of this chapter. He, or his duly appointed deputy, may, for the purpose stated above and in the general performance of his or their official duties, have access without formal warrant to any stand, place, building or premises, or to any sales slip, record of sale, or weight slip, or may stop any vendor, peddler, junk dealer, coal wagon, ice wagon, or any person for the purpose of making the proper tests. Any person refusing to exhibit any sales slip, record

of sale, or weight slip in his possession, or to allow proper tests for correct weight, measure or count, or refusing to proceed to a proper and convenient place for the making of any such test, shall be punished by a fine not exceeding ten dollars.

Section 25. Whoever sells by any other weights, measures, scales, beams or balances than those which have been sealed as before provided, shall forfeit a sum not exceeding twenty dollars for each offense, and when by the custom of trade such weights, measures, scales, beams or balances are provided by the buyer, he shall, if he purchases by any other, be subject to a like penalty to be recovered by an action of tort to the use of the complainant.

Section 26. Municipal and police courts and trial justices shall have original jurisdiction, concurrent with the supreme judicial court and superior courts, of prosecutions for all offenses against the laws pertaining to weights and measures.

Section 27. The city council of a city may by ordinance, and a town may by by-law, provide that the sealer of weights and measures for their city or town shall be paid by a salary, and that he shall account for and pay into the treasury of the city or town the fees received by him by virtue of his office; and where such salary is paid no fees shall be charged for services rendered under section thirteen.

Measurers of Salt, Corn and Grain

Section 28. The municipal officers of towns annually may appoint measurers of salt, corn and grain therein, who shall receive such fees from the purchaser as said officers establish; and, in every contract made in the state for the sale of salt by the hogshead, such hogshead shall consist of eight bushels; and, when the buyer or seller requests, salt, corn or grain bought or sold in places where such measurers live shall be measured by them.

Standard Weight and Measure

Section 29. (See pages 102, 103.)

Section 30. All fruits, nuts and vegetables, if sold by measure, shall be sold by dry measure, United States standard, and

shall be measured by level measure. Baskets or other receptacles holding one quart or less which are to be used in the sale of strawberries, blackberries, cherries, currants, blueberries, huckleberries, raspberries or gooseberries, shall be of the capacity of one quart, one pint or one-half pint, United States standard, dry measure. Whoever sells or offers for sale or has in his possession with intent to sell, any of the aforesaid fruits in any basket or other receptacle holding one quart or less which does not conform to said standard, or conforming to said standard is not level measure, shall be punished by a fine of ten dollars for each offense. Said baskets or other receptacles shall not be required to be tested and sealed as provided by this chapter, but any sealer or health officer may test the capacity of any basket or other receptacle in which any of the aforesaid fruit is sold or intended to be sold; and if the same is found to contain less than the standard measure, or if the quantity of such fruit is otherwise less than as herein provided, he shall seize the same and make complaint against the vendor.

Sale of Ice by Weight

Section 31. A dealer in ice who on request of the purchaser of ice refuses or neglects to weigh the same when delivered or gives false weight shall for each offense be punished as provided in section twenty-four of this chapter. Whoever, having charge of the delivery of ice from a wagon, not being a dealer in ice, refuses on the request of the purchaser of ice to weigh the same when it is delivered, or gives false weight, shall be punished by a fine of not more than ten dollars.

CHAPTER 33, PUBLIC LAWS OF 1917

An Act additional to chapter forty-eight of the revised statutes, and giving additional power to local sealers of weights and measures and their deputies.

Be it enacted, etc.:

That all local sealers of weights and measures and their deputy sealers in cities and towns shall have the same power that is given the state sealer of weights and measures and depu-

ty state sealer by section six of chapter forty-eight of the revised statutes.

CHAPTER 159, PUBLIC LAWS OF 1919

An Act additional to chapter forty-eight of the revised statutes, relating to the state sealer of weights and measures.

Be it enacted by the people of the state of Maine, as follows:

Section 1. It shall be unlawful to sell, offer for sale or give away any scale or other weighing or measuring device until a scale or measuring device of the same manufacture, type and kind shall have been approved by the National Bureau of Standards in Washington, D. C., and until a certificate of said approval shall have been filed with the state sealer of weights and measures in Augusta, which certificate shall state the name and manufacturer of said scale or other measuring device, the place where manufactured and that the same has been approved by said bureau of standards. This act shall not apply to liquid or standard dry measures.

Section 2. Whoever violates section one of this act shall upon conviction be punished by a fine of not less than twenty dollars nor more than fifty dollars for each offense. Municipal and police courts and trial justices shall have original jurisdiction concurrent with the supreme judicial court and superior court of prosecutions for all violations of this act.

Section 3. This act shall take effect July one, nineteen hundred and twenty.

CHAPTER 46, REVISED STATUTES

Survey and Sale of Wood, Bark, Charcoal and Coal.

Section 1. [Amended by Chapter 74 of Public Laws, 1919.] All cord wood offered for sale shall be four feet long including half the scarf, and well and closely laid together. A cord of wood or bark shall measure eight feet in length, four feet in width and four feet in height, or otherwise contain one hundred and twenty-eight cubic feet; the measurer shall make due allowance for refuse or defective wood and bad stowage. Any person or persons exposing for sale as a cord of wood anything

less shall be fined not less than ten dollars nor more than fifty dollars for each offense. Cities and towns by ordinance may assign location for teams to sell said cord wood and bark.

Section 2. If any firewood or bark, brought into any town by land, is sold and delivered, unless otherwise agreed to by the purchaser, before it is measured by a sworn measurer, and a ticket signed by him and given to the driver, stating the quantity that the load contains, the name of the driver, and the town in which he resides, such wood or bark is forfeited, and may be libeled and disposed of according to law.

Section 3. All cord-wood, brought by water into any town for sale, shall be corded on the wharf or land, on which it is landed, in ranges making up in height what is wanting in length; then it shall be so measured and a ticket given to the purchaser, who shall pay the stated fees; and no such wood shall be carried away by any wharfinger or carter, before it has been so measured, under a penalty of one dollar for every load.

Section 4. Persons, carrying fire-wood from a wharf or landing for sale, shall be furnished by the owner or seller with a ticket stating the quantity, and the name of the driver; and if such fire-wood is carried away without such ticket, or any driver refuses to exhibit such ticket to any sworn measurer on demand, or does not consent to have the same measured, when in the opinion of the measurer the ticket certifies a greater quantity of wood than the load contains, such wood shall be forfeited, and may be seized and libeled by said measurer according to law.

Section 5. When any wood, bark or charcoal, sold by the cord, foot or load, is so stowed as to prevent the surveyors from examining the middle of the load, and it appears on delivery, that it was stowed with a fraudulent intent of obtaining payment for a greater quantity than there was in fact, the seller or owner thereof forfeits ten dollars to the county.

Section 6. Charcoal brought into a town for sale, may be measured and sold by the cord or foot, estimating the cord at ninety-six bushels, when the purchaser and seller agree to the same; and the measurers before named shall be measurers of charcoal also.

Section 7. All baskets for measuring charcoal brought in to a town for sale, shall be sealed by the sealer of the town where the person using them usually resides, and shall contain two bushels and be of the following dimensions, viz.: nineteen inches in breadth in every part, and seventeen inches and a half deep, measuring from the top of the basket to the highest part of the bottom; and in measuring charcoal for sale, the basket shall be well heaped. Whoever measures charcoal for sale, in any basket of less dimensions, or not sealed, forfeits. for each offense, five dollars.

Section 8. The municipal officers of towns may appoint some suitable person to seize and secure all baskets used for measuring coal, not according to the provisions hereof.

Section 9. Any measurer of wood, bark or charcoal, who neglects or refuses to give to the owner or purchaser a certificate of the contents of a load, forfeits five dollars for each offense; and all the penalties hereinbefore provided, may be recovered by action of debt or complaint, half to the town where the offense is committed, and half to the prosecutor.

[Section] 10. Anthracite, bituminous and all mineral coal or coke shall be sold by weight and two thousand pounds shall constitute a ton. Coal or coke put up in bags or package form shall have marked on the bag in a plain and conspicuous manner the net weight. For each violation of this act there shall be a fine of not less than twenty-five nor more than one hundred dollars.

Section 11. The municipal officers shall annually elect or appoint weighers of coal and coke. Weighers must give slips either in writing or printing to every purchaser of coal when not in bags or packages showing the gross, tare and net weight for each and every load so delivered. The slips so given must have stamped, printed or written thereon the full name of the weigher. For each violation of this act there shall be a fine of not less than ten nor more than twenty dollars.

Section. 12. Unless coal is sold by the cargo, the seller shall, on request of the purchaser, cause it to be weighed by a sworn weigher, who shall make a certificate of the weight; and he shall deliver such certificate to the buyer, before commencing a suit against him for the price of such coal.

An Act prohibiting weighers of coal, hay, straw, junk and other articles and measurers of wood, bark or charcoal from giving certificates of weight or measure until they have qualified for the faithful performance of the duties of their offices.

Be it enacted by the people of the state of Maine, as follows:

It shall be unlawful for any weigher of coal, hay, straw, junk or other articles offered to be weighed, or for any measurer of wood, bark or charcoal to give a certificate of weight or measure until said weigher or measurer shall have qualified by taking oath for the faithful performance of the duties of his office. Whoever violates the provisions of this act shall be punished by a fine of not less than ten dollars or more than twenty-five dollars for each offense and trial justices and municipal courts shall have concurrent jurisdiction with the supreme judicial court at all prosecutions for violations of this act.

Section 24. All pecuniary penalties aforesaid may be recovered by action of debt, indictment or complaint, and all other forfeitures, by a libel filed by the treasurer or any inhabitant of the town interested. Where the violation of any of the provisions of this chapter is made an offense with a fine attached, the municipal courts and trial justices shall have concurrent jurisdiction of such offenses with the superior courts and supreme judicial courts.

CHAPTER 45, REVISED STATUTES

Size of Smoked Herring Boxes and Clam Bait Barrels

Section 49. No person, firm or corporation engaged in the state in buying, selling and packing of smoked herring, shall sell or offer for sale smoked herring in boxes of less than the following dimensions, viz.: two inches in depth, six inches in width, inside measure, and 12 inches in length, outside measure. Whoever packs, sells or offers for sale, smoked herring in boxes in violation of this section shall forfeit twenty-five cents for each box so packed, sold or offered for sale; but this section does not apply to boxes of boneless herring.

Section 60. In all contracts relating to the sale of clam bait, fresh or salt, by the barrel, and clam bait barrels, such barrels shall be twenty-five and one-fourth inches long and fifteen and

one-half inches head diameter, outside measure. Whoever violates this provision shall be liable to a penalty not exceeding fifty dollars for each offense.

CHAPTER 38, REVISED STATUTES

Sale of Pressed Hay

Section 15. All hay pressed and put up in bundles, except hay pressed by farmers and retailed from their own barns, shall have the first letter of the Christian name and the whole of the surname of the person putting up the same, written, printed or stamped on bands or boards made fast thereto, with the name of the state and the place where such person lives. Whoever offers for sale or shipment any pressed hay not marked as aforesaid, except hay pressed by farmers and retailed from their own barns, forfeits one dollar for each bale so offered, to be recovered by complaint. No person who has received hay not marked as provided in this section shall defend any action for the price thereof upon that ground, unless he shall prove that, before the delivery of said hay to him, he requested the person from whom he bought the same to comply with the provisions of this section.

CHAPTER 118, REVISED STATUTES

Fees

Section 23. The fees of sealers of weights and measures, for testing and adjusting scales, weights and measures by the town standard, to be paid by the persons for whom the service is rendered, are as follows: for testing railroad track scales of forty thousand pounds capacity and upwards, two dollars; elevator scales of twenty thousand pounds capacity and upwards, one dollar and fifty cents; platform scales of five thousand pounds capacity and upwards, one dollar; dormant scales of less than five thousand pounds capacity, fifty cents; dormant beef track scales, fifty cents; platform scales of less than five thousand pounds capacity, fifty cents; beam scales of over one thousand pounds capacity, fifty cents; platform scales of less than one thousand pounds capacity, twenty-five cents;

platform counter scales, twenty-five cents; counter balance or trip scales, ten cents; spring balance scales, fifteen cents; weights, each, three cents; measures, wet and dry, each, three cents; yard sticks, each, five cents; coal baskets, each, ten cents; milk cans, large size, five cents each; milk cans, small size, three cents each; milk bottles, in lots of one gross or less, one cent each, in lots from one to two gross, three-fourths of a cent each, in lots of more than two gross and not over four gross, one-half cent each, in lots greater than four gross, one-fourth of a cent each; for adjusting or repairing any scale, a fair and reasonable compensation; for adjusting weights when either light or heavy, not to exceed ten cents each; for adjusting measures, wet or dry, when either large or small, not to exceed ten cents each; for adjusting yard sticks, not to exceed five cents each; for adjusting any weight or measure not mentioned above, a fair and reasonable compensation.

STANDARD WEIGHT PER BUSHEL AS PROVIDED BY CHAPTER 48, SECTION 29 OF THE REVISED STATUTES.

	1 Bushel— Pounds.
Apples	44
Apples, dried	25
Barley	48
Beans	60
Beans, Lima	56
Beans, Shell	28
Beans, Soy	58
Beans, scarlet or white runner, pole	50
Beans, string	24
Beans, Windsor (broad)	47
Beets	60
Beets, mangel-wurzel	60
Beets, sugar	60
Beets, turnip	60
Beet greens	12
Blackberries	40
Blueberries	42
Bran and shorts	20
Buckwheat	48
Carrots	50
Corn, cracked	50
Corn, Indian	56
Cranberries	32
Currants	40
Dandelions	12
Feed	50
Flaxseed	56
Hair	11
Kale	12
Lime	70
Meal (except oatmeal)	50
Meal, corn	50
Meal, rye	50
Millet, Japanese	35
Oats	32
Onions	52
Parsley	8
Parsnips	45
Peaches, dried	33
Peaches	48
Peanuts, green	22
Peanuts, roasted	20

Pears	58
Pears, smooth	60
Peas, unshelled green	28
Peas, wrinkled	56
Potatoes	60
Potatoes, sweet	54
Quinces	48
Raspberries	40
Rice, rough	44
Rye	56
Salt, coarse	70
Salt, Turk's Island	70
Salt, fine	60
Salt, Liverpool	60
Seed, alfalfa	60
Seed, clover	60
Seed, hemp	44
Seed, herdsgrass	45
Seed, timothy	45
Seed, Hungarian grass	48
Seed, millet	50
Seed, orchard grass	14
Seed, redtop	14
Seed, Sea Island cotton	44
Seed, sorghum	50
Seed, upland cotton	30
Spinach	12
Strawberries	40
Tomatoes	56
Turnips, English	50
Turnips, rutabaga	60
Wheat	60
The standard weight of a barrel of flour	196 lbs.
The standard weight of a barrel of potatoes.....	165 "
The standard weight of a barrel of sweet potatoes.....	150 "

APPROPRIATIONS FOR THE SUPPORT OF THE DEPARTMENT OF AGRICULTURE FOR THE FISCAL YEARS ENDING JUNE 30, 1922 AND JUNE 30, 1923.

	1921-1922	1922-1923
For Salary and Clerk Hire.....	\$27,000 00	\$27,000 00
For General Office Expenses.....	12,000 00	12,000 00
Includes Furniture and Equipment, Printing and Binding, Traveling Expenses of Commissioner, Telephone and Telegraph, Postage, Stationery and Supplies, Bulletins.		
For Division of Plant Industry.....	32,500 00	33,000 00
Includes Gypsy Moth Work, Corn Borer Control, Work of State Horticulturist, Seed Improvement and Promotion of Bee Culture.		
For Division of Markets.....	5,225 00	5,225 00
Includes Farm Organization Work, Shipping Point Inspection, Crop Reporting, and instruction in Wool Grading and Bookkeeping.		
For Division of Inspections.....	9,000 00	9,000 00
Includes Enforcement of the Pure Food and Drug Laws, Apple Inspection, Regulation of Weights and Measures and Inspection of Feeds, Fertilizers, Seeds, Insecticides and Fungicides.		
For Division of Animal Industry.....	55,000 00	55,000 00
Includes Milk and Dairy Inspection, Promotion of Sheep Husbandry and Poultry Industry and Livestock Sanitary Work, Including Payment for Condemned Tubercular Animals.		
For Aid to Agricultural Societies and Fairs..	24,860 28	24,860 28
Includes \$7,500 00 Special Stipend allowed to State Fairs by Statute, and \$2,000.00 for Pomological Society.		
For Farmers' Institutes	4,000 00	4,000 00
Includes Dairymen's Conference and Awards to Poultry Societies.		
For Maine Seed Improvement Association..	1,000 00	1,000 00

INDEX

AGRICULTURAL DEPARTMENT

	PAGE
Appropriations	1, 104
Commissioner of Agriculture, bond to be given by	1
duties of	2-4
election and tenure	1
report of	4
Crop Pest Commission	40
Division of Various Bureaus	9, 10
Farmers' Institutes	2
Livestock Sanitary Work, transferring	29
State Dairymen's Conference	3
Statistics, collection of	3
by Assessors	11
by U. S. Dept. of Agri. in cooperation	10

AGRICULTURAL SOCIETIES

Central Maine Fair Company, appropriation for	12
County and Local Societies, may take and hold property ...	4
Conduct of Exhibitions	9
Eastern Maine State Fair	9
appropriation for	11
False Registration	19
Lien on Animals and Articles for Entry Fees	9
Maine State Agricultural Society	1
appropriation for	11
Officers, may be examined by Commissioner of agriculture	4
reports of	7
Protection Against Fraud	8
Regulation of Grounds	7-8
Score Card System, use of, in judging dairy products	6
State Stipend, apportionment of	5
conditions for receiving	5-7
Violation of Statutes, investigation of	4, 5

DOMESTIC ANIMALS

	PAGE
Animals, domestic, care of, when cruelly abandoned	24
appointment of humane agents	26
cruelty to	19
depositing of carcass of	29
destruction of, when disabled, diseased or injured	24
duty of officers	25-26
penalty for interfering with	24
exhibition of	21
in transit	21
killing of, when injured	24
killing or injuring of	27
lien on, for pasturage, food and shelter	28
premeditated fights between	20
taxation of	18
Birds, shooting of	20
places for fighting or baiting	20
premeditated fights between	20
duty of officers	20
Colts, lien on, for payment of service fees	28
Dogs, complaint in regard to, when dangerous or vicious	15
damages done by, to domestic animals	15-16
to persons or property	15, 17, 18
killing or injuring of	17
killing of, lawful when	14, 17
licensing of	12, 13
duties of clerks of cities and towns in regard to	13
duties of treasurers	14
lists of, made by assessors of taxes	12
penalty for keeping without a license	14
penalty for unjustifiable killing of	17
premeditated fights between	20
recovery for damages by	15
Dogs, registered, penalty for stealing, injuring or secreting	17
unlicensed, killing of	14
Horses, docking tails of	25
record of stallions	28
Sheep, compensation of owner for loss of, from dogs or wild animals	15
keeping of on barren islands	25
marking of	28
protection of, from dogs and wild animals	15

DAIRY PRODUCTS.

	PAGE
Babcock Test	58
penalty for violation	58
Butter, definition of	85
Butterine	84
Cheese, definition of	85
Cream Bottles, sealing of	56
penalty for violation	57
Cream, care of vessels used in manufacture and sale of....	55-56
measures for, sealing of	54-56
standard unit of measure for	54-56
Creameries, inspection of	63, 64, 65
testing of measures used by, in determining butter fat content of milk or cream	59
Dairy Products, articles sold in imitation of	83-84
duty of officers	84
duties of Commissioner of Agriculture in relation to	49-50
enforcement of laws relating to sale and transportation of	50
investigation of	49
penalty for interfering with Commissioner of Agriculture in investigation of	49
results of analyses of, how published	50
Milk, adulterated, definition of	82-83
inspection by board of health	53
duties of	52
penalty for interfering with	53
Milk Bottles, sealing of	56
penalty for violation	57
Milk Cans, standard size of	54
Milk, care of vessels used in manufacture and sale of	55-56
Milk Dealer, protection of	60
Milk Dealers, registration of	51
fee for registration of	63
Milk from Animals, Diseased, penalty for selling	82
Milk Inspectors, appointment of	53
interference with	53
duties of	54
Milk, kept in unsanitary condition, penalty for selling	82
measures used in sale of, how sealed	56
standards for	54
Milk Tests, measures used in, to be tested for accuracy ..	59
Milk Vessels, mutilating of	55-61
penalty for wrongful use of	62
sealing of	56
standard size for	56

	PAGE
Oleomargarine	84
Renovated Butter	84
Semi-monthly payment for milk and cream	58

FRUIT INTERESTS

Apple Barrel, standard	30
Apple Box, standard	30
Apples, branding of packages of	31
grading of	31
in closed packages, deemed adulterated when	32
marking upon barrels and boxes used in shipping	31
deemed misbranded when	32
not to be packed when	32
penalty for adulterating or misbranding	32
packing of	30-32
appropriation for	33
duties of Commissioner in relation to	32
Carleton Prize for Scientific Orchardng	34
Gregory, James J. H., gift of, to State of Maine	34
Maine State Pomological Society, appropriation for	33

TREES AND SHRUBS

Apple Trees, destruction of, when dead or worthless	40
duties of officers	40
Brown Tail Moth	36
declared a public nuisance	36
dissemination of information concerning	39
duties of Commissioner of Agriculture in	
destroying	38
duties of municipal officers	38
duties of real estate owners	39
Gypsy Moth	36
declared a public nuisance	36
dissemination of information concerning	39
funds for extermination of, how expended	39
work of extermination to be done by Commis-	
sioner of Agriculture	39
Nurseries, inspection of, by State Horticulturist	36
Nursery Stock, agents for, shall procure a license	38
certification of inspection of	36
definition of	35
inspection of	37
transportation of	37

	PAGE
San Jose Scale	36, 38
Shrubs, protection of, from dangerous insects and diseases	36
State Horticulturist, appointment of	35
duties and powers of	35, 36
inspection of nurseries by	36
inspection of nursery stock by	37
penalty for refusing to comply with order of	36
Trees, protection of, from dangerous insects and diseases	35

SEEDS, FEEDS, FERTILIZERS, FOODS, DRUGS FUNGICIDES AND INSECTICIDES GENERAL PROVISIONS

Adulteration and misbranding, unlawful	66
provisions of enforcement ..	85
Rules and regulations	85
Standards	85
Analysis of samples	78, 79
Access to places of business	78
Inspection	78
Publishing results of inspection	78
Private hearing	85
Penalties	85
Person, defined	86
Executive, Commissioner of Agriculture	86
Prosecutions	86
Disposition of funds	87
Jurisdiction of courts	87
Appointment of deputies	86

AGRICULTURAL SEEDS

Defined	66
Labeling	67
Adulteration, defined	71
Misbranding, defined	75

COMMERCIAL FEEDING STUFF

Defined	66
Labeling	67
Registration, filing certificate and fee	68
Adulteration, defined	72
Misbranding, defined	75

COMMERCIAL FERTILIZER

	PAGE
Defined	65
Labeling	68
Registration, filing certificate, and fee	69
Adulteration, defined	72
Misbranding, defined	75
Lime, marl and wood ashes	69
Submitted samples	78
Analysis	78-79
Disposition and fees	79

DRUGS

Defined	67
Adulteration, defined	72
Misbranding, defined	76

FOODS

Defined	67
Adulteration, defined, confectionery	73
Adulteration, defined, food	73
Misbranding, defined	77
Packed in tin or glass, permit and fee	80
Inspection and labeling	80
Private hearing	86
Penalty for misbranding	80
Person, defined	86
Prosecution	86
Disposition of funds	87
Jurisdiction of courts	87
Wrapping of bread	81

FUNGICIDES

Defined	67
Registration, filing certificate, and fee	69
Adulteration, defined	74
Marking of packages	70
Misbranding, defined	77

INSECTICIDES

Defined	67
Registration, filing certificate, and fee	70
Adulteration, defined, Paris Green	74
Adulteration, defined, arsenate of lead	74
Adulteration, defined	74
Misbranding, defined	77

111

WEIGHTS AND MEASURES

	PAGE
Bark, measurement and sale of	96, 99
Charcoal, measurement and sale of	96, 99
Clam Bait Barrels, dimensions of	96, 99
Coal, weighing of	98
Corn, measurers of	94
Deputy Sealers of Weights and Measures	88
False Weights and Measures, penalty for using	93
Fruits, nuts and vegetables, sale of	94
Grain, measurers of	94
Hair used in masonry, weight of a bushel of	102
Hay, pressed, marking of	100
Ice, weighing of	95
Salt, measurers of	94
standard weight of a bushel of	103
Scales, purchase of, by cities	90
Sealers of Weights and Measures, city and town, duties of	89-94
fees of..	100
Smoked Herring, dimensions of boxes for packing	99
State Sealer of Weights and Measures	87
State Standards	87
Timber, measurement of	96
Town Sealers of Weights and Measures	89, 90
Town Standards	90.
Weighing devices to be approved	96
Wood measurement and sale of	96

MISCELLANEOUS

Bee Industry, protection of	46
Eggs, inventory of, by assessors	46
Farm Bureau	47
Fences, construction of	41
legal and sufficient	41
partition	41
Fence Viewers, duties of	41, 42
Neat Cattle, taxable age	46
Watering Troughs, abatement of taxes for constructing ...	45
Wide Wheels, abatement of taxes for use of	45

UNIVERSITY OF MICHIGAN LIBRARIES

UNIVERSITY OF MICHIGAN



3 9015 06704 9349

**DO NOT REMOVE
OR
LATE CARD**

Digitized by Google

